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PUBLICK DOCUMENTS

OF

THE UNITED STATES,

FROM THE

ACCESSION OF GEORGE WASHINGTON TO THE PRESIDENCY, EXHIBITING A COMPLETE VIEW OF OUR FOREIGN RELATIONS SINCE THAT TIME.

IN TEN VOLUMES.—VOL. III.

SECOND EDITION.

PUBLISHED UNDER THE PATRONAGE OF CONGRESS.

INCLUDING

CONFIDENTIAL DOCUMENTS,

NOW FIRST PUBLISHED.

BOSTON:

PRINTED AND PUBLISHED BY T. B. WAIT AND SONS.

1817.

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DISTRICT OF MASSACHUSETTS, TO WIT:

DISTRICT CLERK'S OFFICE.

BE it remembered, that on the twenty-eighth day of October, A. D. 1816, and in the forty-first year of the Independence of the United States of America, Thomas B. Wait and Sons, of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

"State Papers and Publick Documents of the United States, from the accession of George Washington to the Presidency, exhibiting a complete view of our Foreign Relations since that time. In ten volumes. Second edition. Published under the patronage of Congress. Including Confidential Documents, now first published."

In conformity to the act of the Congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned:" and also to an act, entitled, "An act supplementary to an act, entitled, An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the arts of Designing, Engraving and Etching Historical, and other Prints."

JNO. W. DAVIS,
Clerk of the District of Massachusetts.

CONTENTS.

	Page
DOCUMENTS accompanying President's Message of Jan. 19, 1797—continued from VOL. II. -	5
Report of Secretary of State, relative to French spo- liations - - - - -	37
Speech opening Congress, May 16, 1797 -	84
Documents referred to in President's Speech, May 16, 1797, relative to France, Spain, &c. -	92
Message, June 12, 1797, relative to Spanish opposi- tion to running boundary line between the United States and the Floridas - - - -	142
Message, June 22, 1797, relative to depredations on the commerce of the United States since Octo- ber 1796 - - - - -	169
Report of Secretary of State relative to capture of American vessels by Spanish, British and French cruisers - - - - -	170
Documents accompanying President's Message, June 22, 1797, relative to depredations on commerce of the United States - - - -	175
Abstract of French depredations since October 1, 1796; also Schedule of American vessels cap- tured by the French, commencing July, 1796	267
Message, June 23, 1797, relative to Algiers -	299
Message, July 3, 1797, transmitting Reports of Secre- taries of State and of War relative to posts occu- pied by Spain within the United States	299
Speech opening Congress, Nov. 23, 1797 -	337

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Message, Jan. 23, 1798, transmitting Report of Secretary of State and Documents relative to affairs with Spain on Mississippi, and intercourse with Indians	- - -	343
Message, Feb. 5, 1798, relative to French captures and outrages in the harbour of Charleston, &c.		439
Message, March 5, 1798, transmitting despatches from Envoys in France	- - -	451
Message, March 19, 1798, relative to despatches from Envoys in France, and recommending measures of protection and defence	- - -	455
Message, April 3, 1798, transmitting instructions to, and despatches from our Envoys in France—communications of X. Y. Z, &c.		456—499

DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE OF JAN. 19,
1797.

[Continued from Vol. II.]

No. 148.

The Minister Plenipotentiary of the United States of America, to the Minister of Foreign Affairs of the French Republick. Paris, 15th of March, 1796, 25th Ventose, 4th year of the French Republick, and 20th of the Independence of the United States of America.

CITIZEN MINISTER,—I was lately honoured with your note of the 19th of Ventose (9th of March) objecting to several of the measures of our government that have occurred in the course of the present war, and to which I presume I shall herein render you a satisfactory answer. For this purpose, I shall pursue in reply the order you have observed in stating those objections, and according to the light I have on the subject give to each the answer it requires.

These objections are comprised under three distinct heads, a summary of which I will first expose, that my reply to each may be better understood.

1. Your first complaint is that we have failed to execute our treaties with you, and in the following respects. 1st. By submitting to our tribunals the cognizance of prizes brought into our ports by your privateers. 2d. By admitting English vessels of war into our ports against the stipulation of the 17th article of our treaty of commerce, even after such vessels had taken prizes from you, and in some cases with their prizes. 3d. By omitting to execute the consular convention in two of its most impor-

Message, Jan. 23, 1798, transmitting Report of Secretary of State and Documents relative to affairs with Spain on Mississippi, and intercourse with Indians	343
Message, Feb. 5, 1798, relative to French captures and outrages in the harbour of Charleston, &c.	439
Message, March 5, 1798, transmitting despatches from Envoys in France	451
Message, March 19, 1798, relative to despatches from Envoys in France, and recommending measures of protection and defence	455
Message, April 3, 1798, transmitting instructions to, and despatches from our Envoys in France—communications of X. Y. Z, &c.	456—499

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1797.

[Continued from Vol. II.]

No. 148.

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tant clauses, having failed to provide, as you suggest, suitable means for carrying those clauses into effect, the first of which secures to your consuls within the United States the exclusive jurisdiction of all controversies between French citizens, and the second the right to pursue and recover all mariners who desert from your vessels. 4th. By suffering in the port of Philadelphia the arrestation of the captain of the corvette *Cassius* for an act committed by him on the high sea, and which you say is contrary to the 19th article of the treaty of commerce, which stipulates "that the commandants of publick and private vessels shall not be detained in any manner," and the rights of nations, which put such officers under the protection of their respective flags. And by likewise suffering the arrestation of that corvette, though armed at the Cape, upon the pretext that she was armed in the United States.

2. Your second complaint states that an outrage which was made to this Republick in the person of its minister, citizen Fauchet, by an English vessel (the *Africa*) in concert with an English consul, in arresting within the jurisdiction of the United States the packet boat in which he had embarked, searching his trunks, and afterwards remaining within the waters of those States for near a month to watch the movements of the vessel in which he finally sailed, was left unfinished, since you urge that the measures which were taken by our government in regard to that vessel and the consul, were not taken in a suitable time to remedy the evil, and were produced by a subsequent outrage, and of a very different kind.

3. Your third and last complaint applies to our late treaty with England, and which you say not only sacrifices in favour of that power our treaties with France, but departs from that line of impartiality which as a neutral nation we were bound to observe. Particular exemplifications are given of this charge in your note, and which I shall particularly notice when I come to reply to it.

This is a summary of your complaints, and to each of which I will now give a precise, and I flatter myself a satisfactory answer.

1. Of the inexecution of our treaties with this Republick, and of the first example given of it, "the submission

to our tribunals of the cognizance of prizes brought into our ports by your privateers."

Permit me in reply to this charge to ask whether you insist as a general principle that our tribunals are inhibited the right of taking cognizance of the validity of your prizes in all cases, or are there exceptions to it? As a general principle without exception, it cannot, I think, be insisted on, because examples may be given under it of possible cases, which prove it cannot be so construed and executed without an encroachment upon the inherent and unalienable rights of sovereignty in both nations, which neither intended to make, nor does the treaty warrant. Suppose, for instance, a prize was taken within our jurisdiction not upon the high sea, nor even at the entrance or mouths of those great rivers and bays which penetrate and fertilize our country, but actually in the interior and at the wharf of some one of our cities; is this a case over which our tribunals, or some other branch of our government, have no right to take cognizance? Do you conceive that the true import of the treaty imposes upon us, and likewise upon you in turn, the obligation thus to abandon, as a theatre of warfare in which you bear no part, the interior police of your country? Can it be done consistently with the dignity or the rights of sovereignty? Or suppose that the privateer which took the prize, and led it into port, was fitted out within the United States, the act being unauthorized by treaty, could we tolerate this, and refuse the like liberty to the other nation at war, without departing from that line of neutrality we ought to observe? You well know that those rights which are secured by treaties form the only preference in a neutral port, which a neutral nation can give to either of the parties at war; and if these are transcended, that the nation so acting makes itself a party to the war, and in consequence merits to be considered and treated as such. These examples prove that there are some exceptions to the general principle, and perhaps there are others which do not occur to me at present. Are then the cases in question, and which form the basis of your complaint, within the scale of these exceptions? If they are, and I presume they are, I am persuaded you will concur with me in opinion that the complaint is unfounded, and that we have done our duty: a duty we were bound to per-

form as well from a respect to our own rights as a sovereign and free people, as to the integrity of our character, being a neutral party in the present war.

You will observe that I admit the principle if a prize was taken upon the high sea, and by a privateer fitted out within the Republick or its dominions, that in such case our courts have no right to take cognizance of its validity: but is any case of this kind alleged? I presume none is or can be shown.

2. The second article in this charge of failing to execute our treaties with this Republick states, that in contravention of the 17th article of the treaty of commerce we have admitted British vessels of war into our ports, even such as have taken prizes from you, and in some cases with their prizes. The article referred to stipulates the right for your vessels of war and privateers to enter our ports with their prizes, and inhibits that right to your enemies. It does not stipulate that the vessels of war belonging to your enemies shall not enter, but simply that they shall not enter with their prizes. This latter act is I presume therefore the subject of your complaint. Here too it only stipulates that in case such vessels enter your or our ports, proper measures shall be taken to compel them to retire as soon as possible. Whether you were rightly informed with respect to the fact is a point upon which I cannot decide, as I know nothing about it. Our coast is extensive, our harbours numerous, and the distress of the weather may have forced them in; or they may have entered wantonly, and in contempt of the authority of our government. Many outrages have been committed on us by that nation in the course of the present war, and this may likewise be in the catalogue. But I will venture to affirm that no countenance was given by our government to those vessels whilst they were there, and that all suitable means were taken to compel them to retire and without delay. You know we have no fleet, and how difficult it is, without one, to execute a stipulation of this kind with that promptitude, which your agents in our country, ardent in your cause and faithful to your interest, might expect.

3. The third article under this head states that we have omitted to execute the consular convention in two of its most important clauses, the first of which secures to the

consuls of each nation in the ports of the other the exclusive jurisdiction of controversies between their own citizens, and the second of which gives to the consuls a right to recover such mariners as desert from the vessels of their respective nations.

Upon the first point, the supposed incompetency of the law provided on our part to execute the judgments of your consuls within our jurisdiction, I can only say that as no particular defect is stated, so no precise answer can be given to the objection. And upon the second, which states that the judges charged by our law to issue warrants for arresting such of your mariners as desert from their vessels have latterly required and against the spirit of the treaty the presentation of the original registers of the vessels to which they belonged as the ground whereon to issue those warrants, I have to observe that by the clause in question (the 9th article) the originals seem to be required, and that the copies spoken of in another part of the treaty (the 5th article) obviously apply to other objects and not to this. More fully however to explain to you the conduct of our government upon this subject, permit me here to add an extract from our law passed on the 14th of April, 1792, expressly to carry into effect the convention in question, and which applies to both cases. "The district judges of the United States shall within their respective districts be the competent judges for the purposes expressed in the 9th article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice consuls of France in arresting and securing deserters from the vessels of the French nation, according to the tenour of the said article. And where by any article of the said convention, the consuls and vice consuls of France are entitled to the aid of the competent executive officers of the country in the execution of any precept, the marshals of the United States and their deputies shall within their respective districts be the competent officers, and shall give their aid according to the tenour of the stipulations." By this extract you will clearly perceive that it was not the intention of our government to frustrate or embarrass the execution of this treaty: on the contrary, that it was its intention to carry it into full effect, according to its true intent and meaning,

and that it has done so, so far as it could be done by suitable legal provisions.

It may hereafter be deemed a subject worthy consideration whether the first of these clauses in that convention had not better be expunged from it. The principle of a foreign court established within any country, with jurisdiction independent of that country, cannot well be reconciled with any correct idea of its sovereignty: nor can it exercise its functions without frequent interference with the authorities of the country, and which naturally occasions strife and discontent between the two governments. These however are not the only objections to the measure, though with me they are unanswerable. Under circumstances the most favourable, it were difficult for these consular tribunals to serve their process and execute their judgments: a limited jurisdiction to a town or village only admits of it. In the United States therefore and in France where the territory is immense and the number of citizens of each country in the other considerable as is now the case it becomes impossible. Many of these in each country dwell perhaps in the interior and not within one hundred leagues of any consul of their nation; how compel their attendance before him? How execute the judgment afterwards? For the tribunals of one country to call in the aid of the officers of another to execute its decrees or judgments is an institution at best objectionable, but to send those officers round the country through the range of one hundred leagues is still more so. Permit me then to ask what are the motives on your or our part for such an institution? In what respect are you or we interested that your or our consuls should have the exclusive jurisdiction of controversies between your and our citizens in each other's country? Why not submit those controversies in common with all others to the tribunals of each nation? Some considerations in favour of the institution it is true occur, but yet these are light and trifling when compared with the numerous and strong objections that oppose it. So much however by way of digression.

4. Your fourth and last example under this head states that the captain of the corvette *Cassius* was arrested in Philadelphia for an act committed on the high sea, contrary as you suggest to the 19th article of the treaty of commerce, which stipulates "that the commandants of ves-

sels publick and private shall not be detained in any manner whatever," and of the well known rights of nations which put the officers of publick vessels under the safeguard of their respective flags, and that the said corvette was likewise seized though armed at the Cape, upon the pretext that she was armed some time before in Philadelphia.

As you have not stated what the act was, with the commission whereof the captain was charged, I can of course give no explanation on that head. Satisfied however I am that if the crime was of a nature to authorize our courts to take cognizance of it, he would not be exempted from their jurisdiction by the article of the treaty in question, since that article as you will perceive was intended to establish a general principle in the intercourse between the two countries ; to give a privilege to the ships of war of each to enter and retire from the ports of the other, and not to secure in favour of any particular delinquent an immunity from crimes : nor in my opinion does the law of nations admit of a different construction, or give any other protection. I am happy however to hear that he is released, since it furnishes an additional proof that the whole transaction was a judicial one, regular according to the course of our law, and mingling nothing in it, in any view, that ought to give offence here.

With respect to the seizure of the corvette upon the pretext that she was armed in Philadelphia, I have only to say that if she was armed there it was the duty of our government to seize her ; the right to arm not being stipulated by treaty ; and if that was alleged upon sufficient testimony, as I presume was the case, there was no other way of determining the question than by an examination into it, and in the interim preventing her sailing. It would be no satisfaction to the other party to the war for us to examine into the case after she was gone, provided the decision was against her. On the contrary, such conduct would not only justly expose us to the charge of committing a breach of neutrality but of likewise doing it collusively.

2. Your second complaint states an outrage which was committed by a British frigate upon your minister the citizen Fauchet, in concert with a British consul, in boarding the packet in which he embarked, opening his trunks, &c.

within the waters of the United States, and remaining there afterwards to watch the movements of the frigate in which he sailed, and which you say was not resented as it ought to have been by our government, since you add the measures which were taken by it in regard to that vessel and the consul were the effect of another and subsequent outrage.

The punishment which was inflicted by our government upon the parties who committed that outrage by revoking the exequatur of the consul and ordering that all supplies should be withheld from the frigate, as likewise that she should forthwith depart without the waters of the United States, was I think you will admit an adequate one for the offence. Certain it is that as we have no fleet it was the only one in our power to inflict, and that this punishment was inflicted in consequence of that outrage. You will I presume likewise admit after you have perused the act of the President upon that subject, a copy of which I herewith transmit to you, and by which you will perceive that there was in truth no distinct outrage offered to the United States upon that occasion, by the parties in question, but that both the one and the other act (the attempt made upon the packet boat in which your minister had embarked by the captain of a British frigate and which constituted the first, and the writing of an insolent letter by the same captain to the governour of Rhode Island in concert with the British consul there, and which constituted the second) were only several incidents to the same transaction, forming together a single offence, and for which that punishment was inflicted on those parties.

I think proper here to add as a further proof that the President was neither inattentive to what was due to your rights upon that occasion, nor to the character of the United States, that he gave orders to our minister at London to complain formally to that government of that outrage, and to demand of it such satisfaction upon the parties, as the nature of the insult required, and which has doubtless either been given, or is still expected.

3. Your third and last complaint applies to our late treaty with England, and which you say has sacrificed in favour of that power our connexion with France and the rights of neutrality the most common.

1st. In support of this charge you observe that we have not only departed from the principles of the armed neutrality adopted in the course of the last war, but have abandoned in favour of England the limits which the rights of nations and our own treaties with all other powers, and even England in her treaties with many other powers, have given to contraband.

2d. That we have also consented that provisions should be deemed contraband, not when destined to a blockaded port only, as should be the case, but in all cases by tacitly acknowledging the pretensions of England to place at pleasure and by proclamation not only your islands but even France herself in that dilemma.

The principles of the armed neutrality set on foot by the empress of Russia in harmony with the other neutral powers at the time you mention, and acceded to by all the powers then at war against England, are extremely dear to us, because just in themselves and in many respects very important to our welfare. We insert them in every treaty we make with those powers who are willing to adopt them, and our hope is that they will soon become universal. But even in the war of which you speak, and when the combination against England was most formidable, all the maritime powers being arranged against her, you well know that she never acceded to them. How compel her then, on the present occasion, when that combination was not only broken, but many of the powers then parties to it against England were now enlisted on her side, in support of her principles. You must be sensible that under these circumstances it was impossible for us to obtain from that power the recognition of those principles, and that of course we are not culpable for having failed to accomplish that object.

I regret also that we did not succeed in obtaining a more liberal scale of contraband from that power than was obtained: for as our articles of exportation are chiefly articles of the first necessity, and always in great demand here, and every where else, it was equally an object of importance to us to enlarge the freedom of commerce in that respect, diminishing the list of contraband. Perhaps no nation on the globe is more interested in this object than we are. But here too the same difficulty occurred that had in the preceding case, and it was in consequence

deemed expedient for the time to relinquish a point we could not obtain, suffering the ancient law of nations to remain unchanged in any respect. Is it urged that we have made any article contraband that was not so before by the known and well established law of nations? which England had not a right to seize by that law and did not daily seize when they fell in her way? This cannot be urged because the fact is otherwise, for although we have not ameliorated the law of nations in that respect, yet certainly we have not changed it for the worse, and which alone could give you just cause of complaint.

With respect to the objection stated to a clause in the 18th article of the treaty with England, which presumes we are thereby prohibited bringing provisions from the United States to France, I have only to add that no such prohibition is to be found in it, or other stipulation which changes the law of nations in that respect: on the contrary, that article leaves the law of nations where it was before, authorizing the seizure in those cases only where such provisions are contraband by "the existing law of nations," and according to our construction when carrying to a blockaded port, and in which case payment is stipulated, but in no respect is the law of nations changed or any right given to the British to seize other than they had before, and such I presume you will agree is the true import of that article.

You will observe by the article in question, that when our provisions destined for a blockaded port are seized, though subject by the law of nations to confiscation, they are nevertheless exempted from it, and the owners of such provisions entitled to their value. Surely this stipulation cannot tend to discourage my countrymen from adventuring with provisions into the ports of this Republick, nor in any other respect prevent their enterprises. On the contrary, was it not probable that it would produce the opposite effect, since thereby the only penalty which could deter them, that of confiscation, in the case above mentioned, was completely done away.

Thus, citizen minister, I have answered according to the views of our government and the light I have upon the subject, the objections you have stated against several of its measures adopted in the course of the present war, and I hope to your satisfaction. That any occurrence

should take place in the annals of the two republicks, which gave cause for suspicion that you doubted in any degree our sincere and affectionate attachment to your welfare, is a circumstance that cannot otherwise than give pain to our government and our people. That these however should be removed by a fair and candid examination of your complaints, on both sides, is the best consolation that such an occurrence can admit of. If by my feeble efforts I contribute in any degree to promote that end and preserve the harmony and affection which have so long subsisted between us, and I trust will always subsist, I accomplish an object the most grateful to my feelings, that I can possibly accomplish.

Permit me in concluding this letter to assure you of the great respect and esteem with which I am your most obedient and very humble servant,

JAMES MONROE.

No. 149.

EQUALITY.

LIBERTY.

Extract from the Registers of the Special Agency of the Executive Directory to the Windward Islands.

THE special agents of the executive directory to the Windward Islands, considering, that the laws, as well ancient as modern, forbid neutrals to carry to the enemy contraband or prohibited merchandises ;

Considering, that notwithstanding the complaints of the minister plenipotentiary of the French Republick to the United States of North America, of which he informed us by his letter of the 14th Messidor, those states, and particularly Virginia, have fitted out vessels loaded with horses for the English ;

Decree, That from this day forward, all vessels loaded with merchandises, designated by the name of contraband, such as arms, instruments, munitions of war, of what kind soever, horses and their furnitures, shall be stopped by the vessels of war and privateers, to be seized and confiscated for the benefit of the captors.

At Basseterre, Guadaloupe, 14th Thermidor, 4th year of the French Republick, one and indivisible.—

Signed on the Register,

VICTOR HUGUES and LEBAS.

Compared with the Register,

VAUCHELET, Sec'ry. of the Agency.

The special agents of the executive directory, to the Windward Islands, in conformity with the above decree, declare to be good prize the American vessel, the Lucy, captain G. Gillbard, captured by the advice boat of the Republick, the Iris.

Basseterre, Guadaloupe, the 22d Fructidor, 4th year of the French Republick, one and indivisible.

LEBAS, VICTOR HUGUES.

Sealed with the seal of the Agency,

[L. S.] VAUCHELET, Sec'ry. of the Agency.

No. 150.

TRANSLATION.

The Minister Plenipotentiary of the French Republick, near the United States, to Mr. Randolph, Secretary of State of the United States. Philadelphia, 23d Thermidor, 3d year of the French Republick, one and indivisible (10th August, 1795, O. S.)

SIR,—The neutrality of the United States and the law of nations, have just been violated in the most serious manner. It is but too true that the English wished to take citizen Fauchet and his papers from on board one of your vessels and in the waters of the United States. The letters from citizens Fauchet and Pichon, that of the consul at Newport, the affidavit of the passengers of the packet the Peggy, leave no doubt upon this wicked attempt.

I should not have spoken to you at all on the subject if the French Republick had not been outraged. But you know as well as I do sir, that a minister on quitting his functions, does not on that account lose his privileges, or his rights—that he retains them until his return to the power by whom he was sent. His safety, his inviolability,

are as much under the safeguard of the law of nations, as those of a minister exercising his functions, and you owe him the same protection. Nations are agreed in this principle; it is mentioned by the authors who have written on the publick law, and you will find it reported in Vattel, (§ 125, chap. 9, book 4, vol. 2, Amsterdam edit. MDCCLXXV.) The premeditated insult against the citizen Fauchet therefore, is at once an injury against the United States and the French Republick. I should betray my most sacred duty, were I not bitterly to complain of it, and if in soliciting you to cause reparation to be made, I were not to pray you to take measures for preventing a similar outrage in future. It were vain to seek to excuse those who have committed it. In vain would it be said that seamen were ignorant of the laws of nations. They were instruments made use of by men who could not be unacquainted with those laws. The English vice consul, Moore, presided on board the *Africa* on the pillage of the American packet boat: and how could he justify this outrage of which modern Carthage can alone give an example?

Were such an infraction of the laws of nations passed over in silence; what safety should I then find here? Who would prevent the pirates of Great Britain from forcing my house in the night, from carrying me off in one of their vessels and loading me with irons? What then would there be sacred among nations: if the character of a minister were no longer respected, and if a single nation could always trample every principle, all conventions under foot without exciting a murmur or complaint?

It would offend you, sir, were I longer to insist. The honour of your country, the respect you owe to its faithful ally, the attachment you bear to her, will speak much better than I can.

Accept, sir, &c.

P. A. ADET.

No. 151.

TRANSLATION.

The Vice Consul of the French Republic at Newport, Rhode Island, to the Minister Plenipotentiary of the said Republic near the United States of America. Newport, Rhode Island, the 16th Thermidor, 3d year of the French Republic, one and indivisible.

THE most formal violation of the territory of the United States, and the most serious insult has been committed, and it was a functionary of the Republic, citizen Fauchet, who was the object of it.

On Saturday last the packet boat, Peggy, coming from New York, and on board of which the minister had embarked, was arrested at about two miles and an half from the light house, by the English ship Africa, lying at anchor, which obliged the captain of the packet to come to within a few fathoms of her. The officers sent to visit on coming on board, asked for citizen Fauchet and his trunks of which they knew the exact number—they were answered that the said citizen had landed at Stonington—they then asked to see his effects, and appeared as though they intended to seize his papers. It was easy to discover their disappointment, when the empty pasteboard cases were presented to them. The most indecent researches were made in the ministers trunks, and in those of citizens Bournonville and Pichon: some papers belonging to the latter were transported on board of the ship, but were returned. The design failed—it was citizen Fauchet and his papers that they wished; and by the most fortunate circumstance, he defeated the audacious act projected against him. I had fortunately been advised of the packet boat putting into Stonington, and heaven suggested to me the idea of notifying citizen Fauchet by express of the station of the ship. He debarked with his papers only, and thence come here by land.

Nothing proves better the fixed intention of the English to take the citizen Fauchet and his papers than the conduct of the English consul on the same day: at daylight he went on board the Africa, and did not return until after it

was ascertained that the project formed by him and his companions in depredation, had failed.

I immediately gave an account of this transaction to the governour of Rhode Island by sending him a copy of the affidavit of the packet (affidavit du Paket) of which I herein enclose another authentick copy together with one of my letters to the governour of this state, that you may be enabled to make such application to the government of the United States, as you shall think proper.

Health and fraternity,

L. ARCAMBAL.

True copy of the original,

P. A. ADET.

No. 152.

BE it known unto all whom it may concern, that on the day of the date hereof, before me Christopher Ellery, publick notary for the county of Newport, in the state of Rhode Island and Providence Plantations, in the United States of America, come Thomas Bliss, master of the sloop Peggy, of Newport, just arrived from New York, and Louis Andrew Pichon, former secretary of the legation of the French Republick to the United States, passenger on board said sloop, together with T. A. Hoffer, citizen of Boston, and captain Chabert, also passengers on board the said sloop, all of whom on their oaths declare, that yesterday at three of the clock in the afternoon, being the 1st day of August instant, they were at a distance of two miles from the light house in Narraganset bay in said sloop bound to Newport, when being opposite to the same, a British ship of war the Africa, commanded by _____ fired a cannon shot at the said sloop as a signal to bring her to; that the sloop had then American colours flying; that the master aforesaid, obeying the signal, soon perceived two boats coming to the sloop from the said ship of war, which boats were manned by a part of the crew of said ship, and out of which came four or five officers; two of them appearing to be higher in command than the others, ordered the captain of the said sloop to go near to the ship, with which order he complied and soon anchored a stern of the said ship; that

in the mean time the officers asked the said master of the sloop, several questions, particularly if he had any passengers on board, and he answering to this question in the affirmative, was told by them that they came on purpose to look for the late French minister Mr. Fauchet, whom they knew to be on board with despatches. That the master and passengers then informed them that Mr. Fauchet had left the sloop in the morning at Stonington, where she had been detained two days by contrary winds, and that he had also that morning left Stonington aforesaid, on horseback with his despatches and publick papers, which were all taken out of paste bound boxes, as proof of the last assertion showing the said boxes empty, five in number, that Mr. Fauchet had really left the sloop and had gone on overland as aforesaid; that the officers aforesaid, not satisfied with the answers given, said their orders were positive, and directed them to search all the trunks of the passengers, at which proceeding they hoped no one on board would be hurt, as their duty required the same; that they accordingly had all the trunks and boxes in the cabin opened, and not finding any papers, then went into the hold, where having ordered Mr. Fauchet's servant to open the trunks of his master, they had them emptied in presence of all the passengers, and out of one of the trunks they took a bundle of papers, which they gave to one of the officers in care, whilst the search went on for the other trunks, that they asked for two other trunks of Mr. Fauchet's, saying they had notice of four trunks shipped on board said sloop, and seeing several other trunks stowed about, they, the said officers, demanded the owners; that one of them belonged to captain Chabert, aforesaid, a gentleman engaged in commercial and seafaring business, was overhauled, and the papers, consisting chiefly of sea-books or journals, examined and put aside, with a tin box, containing some papers, with letters directed to different persons in France—that they then fell upon the trunk of Mr. Pichon, which as they found heavy they desired to have opened, threatening as no one stepped forward with the key, to break the lock thereof. That Mr. Pichon then came forward and opened the trunk which proved to be full of written papers, under clothes; these throwing out, they observed that it was the trunk of Mr. Fauchet's

secretary, and that it contained such a quantity of papers was a sufficient reason for taking it on board the ship for the inspection of the captain of the ship; that an officer then went on board the ship with such papers as he thought proper to take with him, that he might receive the directions of the commanding officer relative thereto, and relative to further proceedings; that this officer soon returned and permitted the sloop to depart, saying, that the main object being missed, no further detention was necessary, and returning the papers which he had taken on board the ship, and that the two boats, having left the sloop, after a detention of two hours, she came to sail and arrived at Newport in the evening.

THO. W. BLISS,
LEWIS ANDREW PICHON,
T. A. HOFFER,
CHABERT.

IN testimony that the aforesaid declaration was made before me, the aforesaid publick notary as is above set forth, and on the second day of August, in the year one thousand seven hundred and ninety-five, and the twentieth year of American independence, I have hereunto set my hand and notarial seal the day and year aforesaid.

[L.S.] CHRIST. ELLERY, Publick Notary.

IN testimony that the foregoing is a true copy of the original declaration made and attested as is therein set forth, I have hereunto set my hand and notarial seal the day and year therein named.

[L.S.] CHRIST. ELLERY, Publick Notary.

Pour copie conforme.

P. A. ADET.

No. 153.

Copy of the Letter from the Vice Consul of the French Republick at Newport, to the Governour of Rhode Island. Newport, Rhode Island, the 16th Thermidor, 3d year of the French Republick, one and indivisible.

SIR,—A multiplicity of business has prevented me from paying you my respects, and obliged me to present them to you by letter. I am sensibly affected in commencing my official correspondence with your excellency on an affair of a disagreeable nature which obliges me to claim immediately the protection of the United States in the following case.

I have the honour to lay before you the affidavit of Thomas Bliss, captain of the Peggy, on her way from New York to Newport, on board of which citizen Fauchet, minister of the French Republick, was passenger. You will observe that this packet was arrested very near the land in the waters of the United States, obliged by force of arms to come to near the English ship Africa which was at anchor, and afterwards visited with an indecency carried so far as not to allow a coat of the minister to be exempt from the basest researches, and he probably owes his personal escape to the precaution he took of landing at Stonington.

The law of nations, the reciprocal respect of the two governments, the sacred rights of territory and hospitality, have all been audaciously violated in this circumstance.

Permit me to address myself to your excellency, and to request you to take such measures as your justice and prudence shall dictate for repressing such audacious infractions of the laws of nations, and to prevent the functionaries of a Republick in friendship with the United States from being exposed to such humiliating insults.

I am, with respect, &c.

L'ARCAMBAL.

Copy of the original.

P. A. ADET.

No. 154.

TRANSLATION.

Joseph Fauchet to Citizen Adet, Minister Plenipotentiary of the French Republick near the United States. Newport, 17th Thermidor, 3d year of the French Republick. one and indivisible.

CITIZEN,—The vice consul at Newport transmits to you the affidavit of the passengers who were on board the packet boat Peggy, of Newport, which was stopped and examined by the English ship Africa, at the entrance of this port, and within two miles of the land. I do not make any reflection on this insult, which at once violates the law of nations and the neutrality of the United States. The facts themselves are sufficient to lead to a presumption that your zeal will be excited on this occasion, which will appear unheard of only by those who are unacquainted with the history of the English. I shall express to you but one afflicting sentiment, which is, that in a free state, with a government in which England has just acquired a friend, there is no safety for myself or my papers. For in a word, as it was from a publick packet boat, in a neutral port, that I was to have been carried off, there is no reason why I should not be taken on the high way or in an inn, if it could be done with impunity. What well thinking American will not grieve, my friend, at hearing that it was on the spot where French blood for the first time was shed for American independence, that an attempt was made to make me a prisoner!

I shall not give you any details—you will find them in a letter written to me by citizen Pichon, whom I had left on board the packet boat to inform me of events.

Receive the assurance, &c.

JH. FAUCHET.

P. S. The Africa has just anchored at Cononicut ferry; she was driven in by stress of weather. Her late conduct gives her a great claim to the enjoyment of the most sacred hospitality of the Americans.

No. 155.

Mr. Pichon to Mr. Fauchet. Newport, 15th Thermidor, 3d year of the Republick, 2d August, 1795.

CITIZEN,—I cannot but felicitate you on the resolution you took yesterday of setting off with your papers from Stonington for this city by land. The information you had received of the design formed by the English for intercepting the sloop on board of which you had embarked, and seizing you and your papers is verified, I acknowledge, in a manner calculated to render me less confident in the apparent safety of our passage, and I have reason to repent my not having followed you with citizen Bournonville. This disaster, however, has happily cost me but a few moments of disquietude, and moreover given me an opportunity of seeing the proceedings of the English on this occasion in all their minutiae, and of tracing the motives to their source.

You have doubtless already heard by publick report of the arrestation of the sloop Peggy, by the English ship Africa, in sight of the fort at Newport. Immediately on my arrival in this city, I had the proper steps taken for obtaining before a proper officer the declaration of captain Bliss, and of the passengers whom I could collect. I found I had been anticipated in this by Mr. Martin, commandant of the militia of this county. This officer had already taken measures for the same object, with the view of directly informing the general government of what had taken place, according to the circular orders expedited by the President of the United States to the executives of the different states. I thought it my duty, however, to take a copy of captain Bliss's and the passenger's deposition, certified by a notary publick, among the number of whom you will find my signature. I have the honour to send you this copy, which I took expressly to transmit to you.

The principal facts are established completely in the affidavit. I am sorry the dispersion of the passengers who are already either scattered through the city, or set out for Providence and Boston, did not allow a greater number of signatures. However, the authenticity of the deposition will probably not be contested: if it should, the rest of the passengers, who are all citizens of Philadelphia,

New York and Boston, might still be called upon as evidence.

On my part, I have nothing very particular to add to this declaration: however, as I have, according to your orders, carefully observed every thing that passed on this occasion, I shall report some circumstances which may be more particularly interesting to you.

The Africa's boats had some arms. The officers had their swords, and one or two pair of pistols in the stern of each boat. This circumstance added to the firing of a cannon at us loaded with ball, and to our observing when near the vessel several pieces *pointed*, sufficiently show the intention of the commander, if we had endeavoured to avoid him or to gain the land.

When the search in the cabin was finished, they went to the hold. They desired the captain to point out our effects. He answered that he did not know the passengers' baggage. I then advised your servant to deny his having the keys, in case they should ask him for them. However on hearing the officers who commanded the party say that they would break open your trunks, and reflecting that resistance would only augment suspicion, I desired him to go down and open them. The two of which he had the keys were examined with the exactness of an excise officer endeavouring to discover contraband goods. The whole was overturned and ransacked. During this operation it was mentioned that the papers were all they wanted, and in a low tone of voice they felicitated themselves at having found them. They took from one of the trunks a bundle of papers, which I supposed to be letters for individuals. The officers finding nothing more, inquired for two other trunks, observing, it was known that Mr. Fauchet had embarked four trunks at New York. In the search for them they met with a trunk belonging to citizen Chabert. They found his papers relative to his commanding the Argonaut belonging to the India company, and also the ship called the Citizens of Marseilles. His journals, his charts, some signals, papers concerning his affairs, letters addressed to divers persons in France, all these appeared important to the officers who judged in the gross from the appearances, but were otherwise ignorant of the French language—the whole was thrown into a handkerchief and set apart. They then came to my largest trunk. I had hitherto remain-

ed unknown. The owner was asked for—I kept at a distance, until finding that they were going to break it open, I went down with the key. They untied every bundle of papers, overturned the whole, without however being able to read any. I observed to these gentlemen that their avowed object being to seize despatches, they should not so freely overturn papers which were neither sealed nor covered. They replied by several observations more or less ridiculous, which showed their ignorance of the French language, and ended by the most conclusive reason, that such was the fortune of war. As you will observe in the affidavit how the scene terminated, I omit repeating it here.

I had decided to follow my papers on board the Africa, if they had taken them there, in order to assist at so insolent an inspection. The only fear I had, was that of being detained a prisoner. Besides I suppose, from the hasty manner in which the search ended, that they were ashamed for having been so minute in it when they found that you had gone off with your papers.

I take the liberty to finish this letter by observing to you, that the English consul dined on that day on board the Africa, and was there during the detention of the packet boat. This circumstance characterizes the infraction of which you were to have been the victim; it bespeaks the intervention of a superior authority who would in vain mask himself under the ignorance of the publick law among seafaring people or under the cloak of a mere feigned indignation. It is said that the English consul will explain this intervention fully.

Salut and fraternity,

PICHON.

True copy,

JH. FAUCHET.

True copy of the original,

P. A. ADET.

No. 156.

TRANSLATION.

The Minister Plenipotentiary of the French Republick, near the United States, to Mr. Randolph, Secretary of State of the United States. Philadelphia, 2d Fructidor, 3d year of the French Republick, one and indivisible, (19th August, 1795, O. S.)

SIR,—I informed you by my letter of the 10th August (old style) of the insult committed by the English ship of war *Africa* on the neutrality of the United States and the law of nations. I requested from you a reparation proportioned to the outrage committed towards the Republick of France on the person of my predecessor. I requested it in the name of justice, in the name of the friendship which unites our two countries; I had every reason to expect it: From what fatality is it, sir, that the captain of the *Africa*, whose injurious proceedings are known, still finds an asylum in the ports of the United States?—insults by his menaces the authority of your country—and dares to claim the same advantages enjoyed by the French frigate *Medusa* at Newport. and preserves his station in the middle of the entrance of that port? He will without doubt not quit this station unless it be to pursue the frigate *Medusa*, notwithstanding the law of nations, and the proclamation of the President of the United States, which prohibit all vessels of war from going out of the ports of the United States, or from using them as a station in order to cruise against enemy vessels. Can any other design be imputed to the *Africa*, and are not the friendship which the United States bear to France—the respect due to their neutrality—the honour of their government and their laws equally interested in preventing the *Africa* from consummating the new attempt which she meditates, if not arrested, in your ports? Should she not be ordered to quit them? If not of what value are the friendship and treaties which connect the people? What would you wish the French Republick to think of the intentions of the government of the United States, when on the one hand, an English vessel exercising an open robbery in the waters of your states, enjoys an asylum, an hospitality due only to friends? And on the

other a French ship of war comes into your ports under the guaranty of the law of nations, of your neutrality, and of our treaties, is arrested and seized in contempt of these same treaties—when the law of nations, the honour of the United States are unattended to by the English who insult them ; and when our treaties are violated for the purpose of satisfying the indiscreet demand of a single individual.

That the new treaty connecting the United States with England cannot weaken ours, you have assured me, sir ; you have told me that the intentions of the President were firm in this respect, and I have never doubted it. That treaty you have always affirmed cannot destroy the good dispositions of the American government towards France ; are those dispositions and your promises ineffectual ? I cannot believe it. I rather flatter myself that the present circumstances will convince me that I am not deceived, and that the Republick will have a positive proof of that friendship of which it has so often received assurances. In this persuasion I flatter myself that you will take the necessary measures in order to prevent the Africa from using your ports as a station whence to cruise on the French frigate *Medusa*, referring moreover to my letters of the 9th, 11th and 18th August (old style) I reiterate to you my application as to the corvette *le Cassius* arrested in your ports in violation of our treaties, and I notify you that if I do not speedily obtain justice, I shall abandon this vessel to the American government, to its risk, reserving the right to future claim, and I shall refer the matter to my government. Accept, sir, &c.

P. A. ADET.

No. 157.

Mr. Pickering, Secretary of War, charged with the Department of State, to Mr. Adet, Minister Plenipotentiary of the French Republick. Department of State, Sept. 5, 1795.

SIR,—On the 25th ultimo I had the honour to inform you (in answer to your letter of the 19th) that the violation of the laws of nations by the British ship of war *Africa*, in the instance to which you referred, had engaged the attention of the government of the United States ; at the same time mentioning some circumstances which might have caused delays.

To maintain the character of fairness and impartiality with which the President desired that all the acts of his administration might be marked, he was willing to allow full time for any representations and explanations which captain Home, the commander of the *Africa*, might think proper to make: that time has elapsed, and none have been received. On the contrary, some recent acts show that he has repeated his aggressions. The President has, therefore, now determined to pursue such measures as are in his power, to vindicate the sovereignty, and rights of the United States. And as a principal aggression was committed by captain Home, in the attempt made to take your predecessor Mr. Fauchet, and his papers, it is just that you should receive the information I am going to communicate.

Governour Fenner is desired to transmit to captain Home the demand of the President of the United States, that he immediately remove from a station within their jurisdiction, where he has violated, and continues to violate, their rights. The governour is also desired to make known to captain Home that after forty-eight hours from the time this requisition shall be communicated to him, all intercourse between the citizens of the United States and the ship under his command will be forbidden.

Further, a full statement of the conduct of that officer will be transmitted to the minister of the United States at London, to be laid before the British government for the purpose of obtaining reparation. I have the honour to be, &c.

TIMOTHY PICKERING.

No. 158.

Mr. Pickering to the Governour of Rhode Island. Department of State, Sept. 5, 1795.

SIR,—The President of the United States, ever desirous of manifesting the fairness and impartiality of his administration, was not in haste to decide upon the conduct of captain Rodham Home, commander of the British ship of war *Africa*, for his violation of the sovereignty of the United States, as represented in the protest of Thomas Bliss, master of the sloop *Peggy*, sailing within the jurisdiction and under the flag of the United States: and for the

menace and insulting demands in his letter of the 31st of July, addressed to Thomas William Moore, Esq. his Britannick majesty's vice consul in Rhode Island, and by him communicated to your excellency. Representations on this subject were made to his Britannick majesty's minister, and since his departure, to his charge des affaires, with an intimation of the President's intention to wait a reasonable time for the counter representation of captain Home and such explanations from him and Mr. Moore as they should think proper to offer. That time has elapsed and no satisfactory explanations have been given ; on the contrary, it appears that captain Home is continuing his aggressions. The President has therefore decided on the measures, which his duty requires him to take, to vindicate the sovereignty and rights of the United States. In pursuance of this determination, I am now to desire your excellency to communicate to the said captain Rodham Home the demand of the President of the United States, that he immediately remove from a station within the jurisdiction of the United States, where he has violated and continues to violate their rights ; and that he forthwith liberate the three seamen, to wit, William Jones, John Caton, and George White, whom with an armed force he, on the 24th of the last month, seized and took from on board the ship *Anne*, John Tillinghast, master, then sailing within the jurisdiction of the United States, and carried on board the said ship *Africa*, where they are detained. I am also to request your excellency to make known to him, the said captain Home, that after forty-eight hours from the time these requisitions shall be communicated to him, all intercourse between the citizens of the United States and the ship under his command will be forbidden : Those only can claim the rights of hospitality who respect the laws and rights of the nation on which the claim is made. To such, of whatever nation. the President desires with perfect impartiality, to render and secure all those accommodations and advantages to which they are entitled from the United States.

I have the honour to enclose an act of the President by which he has revoked the exequatur formerly granted to Mr. Moore as vice consul at Rhode Island, and to request your excellency to cause the same to be published. I am, &c.

TIMOTHY PICKERING.

No. 159.

Mr. Pickering to Mr. Thomas William Moore. Department of State, Sept. 5, 1795.

SIR,—It having been ascertained that on the 2d of August, 1795, you transmitted to the governour of the state of Rhode Island a letter dated the 31st of July, addressed to you by captain Rodham Home, commander of the British ship of war Africa, the contents whereof you saw were highly indecent and unjustifiable : as unrestrained by the respect you owed the government by whose permission you exercised your office, you have thus co-operated with captain Home, in grossly insulting its authority : The President of the United States has judged it to be no longer proper that you should be permitted to exercise the functions or powers of a vice consul within the United States.

You will, therefore, receive enclosed a copy of the letters patent, which have been issued for the revoking the exequatur, heretofore granted to you, and which will be made publick.

I am, sir, &c.

TIMOTHY PICKERING.

No. 160.

George Washington, President of the United States of America. To all whom it may concern :

THOMAS WILLIAM MOORE, Esquire, having heretofore produced to me his commission as vice consul of his Britannick majesty, within the state of Rhode Island, and having thereon received from me an exequatur bearing date the 5th day of December, 1793, recognising him as such, and declaring him free to exercise within the said state, such functions and powers, as may be given or permitted by the laws of the land to the consuls of nations between whom and the United States no treaty or convention exists for permitting specifick powers and functions to be exercised by their consuls reciprocally. And the said Thomas William Moore, having on the second day of August, 1795, transmitted to the governour of the state of Rhode Island a letter dated the 31st of July, 1795, ad-

dressed to him the said Thomas William Moore, and written by captain Rodham Home, commander of the British ship of war Africa, then lying at, or near the port of Newport, in said state, which said letter is conceived in terms of menace and insult against the authority of the United States, and the said Thomas William Moore having participated in the commission of the said menace and insult, by transmitting the letter as aforementioned, having perfect knowledge of its contents; and it being no longer proper and consistent with the respect due to the government and authority of the United States, that the said Thomas William Moore should continue to exercise any of the functions or powers heretofore allowed in virtue of his said commission of vice consul: These are therefore to declare, that I do no longer recognise the said Thomas William Moore as vice consul of his Britannick majesty, in any part of these United States, nor permit him to exercise any of the functions or powers heretofore granted; and I do hereby wholly revoke the said exequatur heretofore given, and do declare the same to be absolutely void from this day forward.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed. Done at the city of Philadelphia the fifth day of September, one thousand seven hundred and ninety-five, and of the independence of the United States of America the twentieth.

GEO. WASHINGTON.

By the President's command,
TIMOTHY PICKERING.

No. 161.

Mr. Pickering to Mr. Monroe. Department of State, Sept. 14th, 1795.

SIR,—Before this letter reaches you, unofficial information will probably get to hand of the outrage committed by the British man of war the Africa, commanded by captain Rodham Home, in his attempt to take Mr. Fauchet and his papers, on his passage from New York down the sound

to Newport, where he was to embark for France in the frigate *Medusa*. The station taken by the *Africa*, in the waters of the state of Rhode Island, seems to have suggested to the people at Newport the idea that she intended to intercept Mr. Fauchet. An express was therefore sent to Stonington in Connecticut, where the sloop in which Mr. Fauchet had embarked was detained by contrary winds, to warn him of his danger. He then quitted the sloop, and taking his valuable papers with him, pursued his journey by land.

Captain Home made the expected attempt. The sloop was brought to ; and two officers of the *Africa* went on board to search and take Mr. Fauchet or his papers, or both—captain Home, it seems, said the object was to take his papers only ; and accordingly, finding that those of value had been landed with Mr. Fauchet, the rest were returned unopened. The particulars of this action are stated in the deposition of captain Thomas Bliss, the master of the packet in which Mr. Fauchet had embarked, of which a copy is enclosed. You will also find enclosed the copy of an insolent letter from captain Home, for the governour of Rhode Island, to be conveyed through the British vice consul, Mr. Moore, who was so indiscreet, and so little respected the dignity of our government, as to send the governour a copy of it.

The evidences of the outrage and insulting conduct of captain Home, with the co-operation of Mr. Moore, were communicated to the British minister and charge des affaires ; and the expectations of government of reparation announced. For this purpose, and to give opportunity for counter representations and explanations, time was necessary. Time accordingly was given : for justice as well as prudence required an observation of the maxim—*Audi alteram partem*.

After a reasonable time had elapsed, and no satisfactory explanations or counter proofs being offered, the President decided on the measures he would take. These you will find in the enclosed copy of my letter of the 5th instant to governour Fenner. Besides which, the minister of the United States in London is charged “fully to represent these outrages of captain Home, and to press for such reparation as the nature of the case authorizes the President to demand. What this should be it was not neces-

sary to specify. The President relies that his Britannick majesty will duly estimate the injuries and insults proved to have been committed by captain Home against the United States, and inflict upon him such exemplary punishment as his aggravated offences deserve—as the violated rights of a sovereign state require—and as it will become the justice and honour of his majesty's government to impose."

The letter before mentioned to governour Fenner was sent from Philadelphia by the post, on Saturday the 5th instant, when it bears date. On the *Monday following*, intelligence was received that the *Medusa* had sailed on the first, and that the *Africa* in two or three hours afterwards got under way to pursue her. I am particular in stating the days when the President's orders to governour Fenner were despatched, and when the first information reached Philadelphia that the *Medusa* had sailed, because it is not improbable that the suspension of those orders may be represented as calculated to be inoperative; and it may be suggested that they were not issued finally until it was known that the *Africa* had left the waters of Rhode Island. But the facts are as I have stated them; and the true and only causes of the suspension are those which I have mentioned, and which you will see in the letter to governour Fenner.

The circumstances in respect to wind and weather under which the *Medusa* sailed, joined with her swift sailing, enabled her to escape from the *Africa*, which has since returned to her former station at Rhode Island. The President's orders prohibiting all intercourse with her, will now come into operation: and for her additional violation of the rights of a neutral nation, in immediately pursuing the *Medusa*, a new demand of satisfaction will be made on the British government. A naval force to *compel* a due respect to our rights on the water you know we do not possess.

I have the pleasure to inform you, that peace with all the Indians on our frontiers is at length accomplished. Georgia and the South Western territory have for some months past enjoyed tranquillity; and the most prejudiced against the Creeks believe their pacification sincere. On the third of August general Wayne concluded a treaty with all the western Indians. This fact is declared in a letter

of that date from the quarter master general at head quarters to his deputy major Craig, at Pittsburg. So I rely upon it. I suppose general Wayne must have sent off the official account with the treaty by one of his aids, whose arrival I daily expect.

Quiet possession has been taken of Presqu' Isle, where some works are now erecting for the protection of the inhabitants and the security of our garrison.

But for the vexations on our commerce by the belligerent powers, (for they are not confined to the British) we should enjoy perfect repose amidst unexampled prosperity.

I am very respectfully, sir, &c.

TIMOTHY PICKERING.

No. 162.

Newport, August 2, 1795.

SIR,—The following is a copy of a letter I received from captain Home of his Britannick majesty's ship Africa, which I take the most early opportunity of forwarding to your excellency. Having the honour to be, &c.

THOMAS WILLIAM MOORE.

His Excellency Arthur Fenner, Esq. Governour and commander in chief of the state of Rhode Island, &c. &c. Providence.

No. 163.

Africa, off Rhode Island, July 31, 1795.

SIR,—I did expect to have the pleasure of seeing you on board the Africa, but as that is not the case I am obliged to send an officer to you, under the present circumstances, and to desire that you will lay my letter before the governor or other chief magistrate of this island, which is to contain these several requests.

First, That there may be delivered up to me, immediately, an officer who was taken out of a British sloop while in Newport and confined on board the French frigate now in Rhode Island; this violent proceeding being contrary to the law of all nations in a neutral port. In the second place, that you may receive the aid of the civil power in

this island to send on board the Africa all British seamen and others, who have been captured in any vessels and set at liberty in these states : not a feigned and pretended aid, but such as our nation have a right to expect from the United States, with whom we are at peace and amity. And thirdly, that I may be permitted to buy such refreshments as my ship's company are in need of ; and that in case I send my own boats on shore, my people and officers shall not be liable to insult from any of the inhabitants or other of whatever description, and to represent in plain terms to the governour that my officer who carries this, or any other officer or people whom I may send on their just and lawful occasions receive from any one individual whether in the nature of a mob or otherwise any affront or insult, I will immediately on my part come in with his majesty's ship under my command and protect my own people. And farther, that if the government or states here are in such cases as I have mentioned guilty of such a breach of neutrality, I will then look upon myself in the same manner as not bound to observe the neutrality of these ports : and that I am resolved to be treated in the same manner in all respects whatever, as they do those of the French Republick—and I am more plain in the nature of my present demands, as I have received a hint, that, if I send my people on shore, while the Medusa lies at Newport, they will be considered as spies. In this case I want to spy nothing. I am in full possession of every intelligence regarding that ship, which I want to be possessed of. And I require a written answer from the governour of Rhode Island to these demands, and that without loss of time. I am, sir, &c.

RODHAM HOME.

To Thos. Wm. Moore, Esq.

His Brit. Maj. Vice Consul, Rhode Island.

State of Rhode Island, &c.

The preceding contains a true copy of an original letter from Thos. Wm. Moore, and of a copy of Rodham Home's letter to him accompanying it, duly compared.

Witness,

HENRY WARD, Secretary.

REPORT

OF THE SECRETARY OF STATE ON THE MEMORIAL OF SUNDRY CITIZENS OF THE UNITED STATES, RESIDING IN THE CITY OF PHILADELPHIA, REFERRED TO HIM, BY ORDER OF THE HOUSE, ON THE SEVENTH OF MAY LAST. FEB. 27, 1797.

The Secretary of State, in pursuance of an order of the House of Representatives of the 7th of May, 1796, on the memorial and petition of sundry citizens of the United States residing in the city of Philadelphia, relative to the losses they had sustained by the capture of their property by French armed vessels on the high seas, or in consequence of the forced or voluntary sales of their provisions and merchandise to the officers of the colonial administrations of the French Republick, having examined the same, together with accounts of similar losses sustained by American citizens from the French, in the European seas, or in the ports of France, which in the details were necessarily connected with the former, respectfully reports:—

THAT since the commencement of the present war, various and continual complaints have been made by citizens of the United States to the Department of State, and to the ministers of the United States in France, of injuries done to their commerce under the authority of the French Republick and by its agents. These injuries were

1st. Spoliations and maltreatment of their vessels at sea by French ships of war and privateers :

2d. A distressing and long continued embargo laid upon their vessels at Bordeaux, in the years 1793 and 1794 :

3d. The non-payment of bills and other evidences of debts due, drawn by the colonial administrations in the West Indies :

4th. The seizure or forced sales of the cargoes of their vessels, and the appropriating of them to publick use, without paying for them, or paying inadequately, or delaying payment for a great length of time.

5th. The non-performance of contracts made by the agents of the government for supplies :

6th. The condemnation of their vessels and cargoes under such of the marine ordinances of France as are incompatible with the treaties subsisting between the two countries : and

7th. The captures sanctioned by a decree of the National Convention of the 9th of May, 1793, (hereto annexed and marked A.) which, in violation of the treaty of amity and commerce, declared enemy's goods on board of their vessels lawful prize, and directed the French ships of war and privateers to bring into port neutral vessels laden with provisions and bound to an enemy's port.—It may be proper to remark here, that this decree of the Convention, directing the capture of neutral vessels laden with provisions and destined for enemy ports, preceded by one month the order of the British government for capturing "all vessels loaded with corn, flour or meal, bound to any port in France, or any port occupied by the armies of France."

Such was the general nature of the claims of the citizens of the United States upon the French Republick, previous to the departure of Mr. Monroe, as minister plenipotentiary to France in the summer of 1794, and since his residence there. To him were intrusted the documents which had been collected to substantiate particular complaints ; and he was instructed to press the French government to ascertain and pay what might be found justly due. From time to time, as additional cases rose, they were transmitted to him, with the like view. In September of that year, he assigned to his secretary, Mr. Skipwith, (with the provisional appointment of consul for Paris) the charge of stating the cases, and placing them in the proper train of settlement ; reserving to himself the duty of fixing general principles with the government, and of patronizing and superintending his proceedings.

In conformity with the direction of the minister, Mr. Skipwith, shortly afterwards, made a general report on the injuries and difficulties and vexations to which the commerce of the United States was subjected by the regulations and restraints of the French government, or by the abuses practised by its agents : to which he added a number of particular cases. A copy of the whole, marked [B,] is hereto annexed.—This report was laid before the French government ; and added to the various representations of Mr. Monroe and his predecessor, it produced a

decree of the joint committees of publick safety, finance, commerce and supplies, dated the 15th November, 1794, a copy of which, marked [C,] is annexed. This decree, apparently calculated to remedy many of the evils complained of, afforded but a very partial, in respect to compensations, a comparatively small relief; while it continued in force the principle of the decree of the 9th of May, 1793, which rendered liable to seizure and confiscation the goods of enemies found on board neutral vessels. American vessels had been declared exempt from that part of the decree of the 9th of May, which authorized the seizing of vessels going to an enemy's port with provisions, by the decree of the National Convention of the 27th of July, 1793.

On the appearance of the decree of the 9th of May, the American minister at Paris remonstrated against it, as a violation of the treaty of commerce between France and the United States. In consequence hereof, the convention, by a decree of the 23d of the same month, declare, "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May." M. le Brun, the minister for foreign affairs, on the 26th of May, communicated this second decree to our minister, accompanying it with these words; "you will there find a new confirmation of the principles *from which the French people will never depart*, with regard to their good friends and allies the United States of America." Yet two days only had elapsed before those principles were departed from: on the 28th of May, the convention repealed their decree of the 23d. The owners of a French privateer that had captured a very rich American ship (the *Laurens*) found means to effect the repeal, to enable them to keep hold on their prize. They had even the apparent hardiness to say beforehand, that the decree of the 23d would be repealed.

The American minister again complained. So on the first of July, the convention passed a fourth decree, again declaring, "That the vessels of the United States are not comprised in the regulations of the decree of the 9th of May; conformably to the sixteenth [it should be the twenty-third] article of the treaty concluded the sixth of February, 1778."—The new minister for foreign affairs, M. Desforgues, accompanies this new decree of

July first with the following expression : " I am very happy in being able to give you this new proof of the fraternal sentiments of the French people for their allies, and of their determination to maintain to the utmost of their power the treaties subsisting between the two Republicks." Yet this decree proved as unstable as the former : on the 27th of July it was repealed.

The next decree on this subject was that of the joint committees, of the 15th of November, 1794, already mentioned. Then followed the decree of the committee of publick safety, of the 4th of January, 1795, (14th Nivose, 3d year,) repealing the 5th article in the decree of the 15th of November preceding, and in effect the articles in the original decree of the 9th of May, 1793, by which the treaty with the United States had been infringed. It is not necessary for the secretary to add, that the decree of the 4th of January, 1795, has been repealed by the decree of the executive directory of the 2d of July, 1796 ; under colour of which are committed the shocking depredations on the commerce of the United States which are daily exhibited in the newspapers. The agents of the executive directory to the Leeward Islands, (Leblanc, Santhonax and Raimond) on the 27th of November, 1796, passed a decree (marked C. C.) for capturing all *American* vessels bound to or from British ports. The Secretary presumes this is not an arbitrary, unauthorized act of their own, but that it is conformable to the intentions of the executive directory ; the privateers of the French Republick in Europe, having captured some American vessels on the same pretence ; and the consul of the Republick, at Cadiz, having explicitly avowed his determination to condemn American vessels on that ground ; pleading the decree of the directory for his authority.

The Secretary has already intimated, that the decree of the 15th of November, 1794, was not followed by the extensively good effects expected from it. By a communication from Mr. Skipwith, of the 10th of last September (the latest communication from him, in answer to the Secretary's request for information) it appears that the claims for detention of one hundred and three American vessels by the embargo at Bordeaux remained undetermined ; no funds having been appropriated by the legislature for payment of them ; and that none of the bills drawn by the

colonial administrations in the West Indies had been paid to him; the treasury having tendered payment in assignats at their nominal value, and afterwards in another species of paper, called mandats, which had suffered a great depreciation even before they were put into circulation: both which modes of payment were refused to be accepted. The progress made by Mr. Skipwith in the adjustment of other claims, so far as known to the Secretary, will appear in the annexed printed statement marked [D,] copies of which were transmitted ten months ago to the offices of the principal collectors of the customs, from the Department of State, for the information of our mercantile citizens.

That nothing might be left undone which could be accomplished by the executive, the attention of general Pinckney, the present minister of the United States to France, was particularly directed to the subject of these claims: but the interval which has elapsed since his departure has not admitted of any interesting communication from him, on this business.

In connection with other spoliations by French armed vessels, the Secretary intended to mention those committed under a decree dated the 1st of August, 1796, issued by Victor Hugues and Lebas, the special agents of the executive directory to the Windward Islands, declaring all vessels loaded with contraband articles of any kind liable to seizure and confiscation, with their entire cargoes; without making any discrimination in favour of those which might be bound to neutral, or even to French ports. This decree has been enforced against the American trade, without any regard to the established forms of legal proceedings, as will appear from the annexed deposition (marked E.) of Josiah Hempstead, master of the brigantine Patty of Weathersfield. A copy of the decree, marked [F,] is also annexed.

The Secretary has received a printed copy of another decree of the same special agents to the Windward Islands, dated the thirteenth of Pluviose, fifth year, answering to February the 1st, 1797, authorizing the capture of all neutral vessels destined to any of the Windward or Leeward Islands in America, which have been delivered up to the English, and occupied or defended by emigrants, naming Martinique, Saint Lucia, Tobago, Demarara, Berbice and

Essequibo; and to leeward, Port-au-Prince, Saint Marc, L'Archaye and Jeremie; declaring such vessels and their cargoes to be good prize; as well as all vessels cleared out *vaguely* for the *West Indies*. A copy of this last decree will be added to this report, as soon as it shall be translated. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, February 27, 1797.

[A]

TRANSLATION.

Copy of a decree of the National Convention, of the 9th of May, 1793, 2d year of the French Republick.

THE National Convention, after having heard the report of its committee of marine; considering that the flag of neutral powers is not respected by the enemies of France; that two cargoes of flour having arrived at Falmouth in Anglo-American vessels, and been bought before the war, for the service of the French marine, have been detained in England by the government, which would not pay for it but at a price below what it had been sold for; that a vessel of Papembourg, called the *Therisia*, commanded by captain Hendrick Kob, loaded with various effects belonging to Frenchmen, was carried into Dover, the 2d of last March, by an English cutter:

That a privateer of the same nation carried into the same port of Dover, on the 18th of the same month, the Danish ship *Mercury Christianland*, captain Treuchen, which had sailed from Dunkirk on the 17th, with a cargo of wheat, for Bordeaux:

That the ship *John*, captain Shkeley, loaded with about six thousand quintals of American wheat, in going from Falmouth to St. Malo, was stopped by a frigate, and carried to Guernsey, where the agents of government have simply promised to pay the value of the cargo although it was not on French account:

That 101 French passengers, of different professions, embarked at Cadiz, by order of the Spanish minister, on board the Genoese ship *Providence*, captain Ambrose Briasco, to be carried to Bayonne, were shamefully pillaged by the crew of an English privateer:

That various reports, which are successively made by the sea port towns of the Republick, announce that the same acts of inhumanity and injustice are multiplied and repeated with impunity every day along the whole sea coast :

That under such circumstances, all the laws of nations being violated, it is not permissible that the French people should fulfil towards all the neutral powers in general, the vow, they have so repeatedly manifested, and constantly make for the full and entire liberty of commerce and navigation : Decrees as follows :

Article 1. The French ships of war and privateers may stop and bring into the ports of the Republick such neutral vessels, as are loaded in whole or in part, either with provisions belonging to neutrals, and destined for enemy ports, or with merchandise belonging to enemies.

II. Merchandise belonging to enemies, shall be declared good prize, and confiscated for the benefit of the captors ; the provisions, belonging to neutrals and loaded for enemy ports, shall be paid for according to their value in the place for which they were destined.

III. In all cases, neutral vessels shall be released when the unlading of the provisions which are stopped, or the merchandise, which are seized is completed ; the freight for them shall be payed at the rate stipulated by the persons who shipped them. A just indemnity shall be made in proportion to their detention by the tribunals who have cognizance of the validity of the prizes.

IV. Those tribunals shall be bound also to transmit, three days after their sentence, a duplicate of the inventory of the said provisions or merchandise to the minister of marine, and another duplicate to the minister for foreign affairs.

V. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect after the enemy powers shall declare free, and not liable to seizure, although destined for the ports of the Republick, provisions which may be neutral property, and merchandise loaded in neutral ships, which belongs to the French government, or to French citizens :

[B]

To James Monroe, Minister Plenipotentiary of the United States of America, at Paris. Paris, Vendemiaire, 3d year, (October, 1794.)

SIR,—At your request I now lay before you, a statement of the innumerable embarrassments and difficulties which our commerce has for a long time, and continues still to labour under, in the different ports of the French Republic. It is evident if their government does not soon remedy the incessant abuses and vexations practised daily upon our merchants, vessels, captains and crews, the trade of the United States with France must cease. I cannot give you an ample detail of all the inconveniences and oppressions which have been thrown upon our commerce ; many of the consuls and their agents to whom you have written to forward such documents to my office, having not yet done it ; besides it would take volumes to expose them at full length.

From the communication however already received from the different ports, and from the information I have collected from the captains present, I can assure you that there are near 300 sail of American vessels now in the ports of France ; all of whom have suffered or are suffering more or less delay and difficulties, of which the examples annexed will afford you a general view.—The hardships of which I have chiefly to complain, and out of which there grows incalculable evils may be developed under four general heads.

1st. The capture indiscriminately of our vessels at sea by the vessels of war of the Republick.

2d. The impossibility of Americans selling their cargoes and receiving payment at the ports to which they are conducted, or of their own accord arrive.

3d. The difficulties and procrastination which they find in their transactions with the boards of marine and commerce.

4th. The non-compliance, or heretofore delay in fulfilling the contracts made by the agents of the French Republick in America, for supplies of provisions.

The seizure of our vessels at sea often gives rise to the most serious and well founded complaints ;—the stripping them of their officers and crews, who are generally replaced by boys and inexperienced hands in order to be conducted to ports, exposes them to much injury, and sometimes total loss ; the confinement of our sailors taken out of those vessels, the seals upon their cargoes, and above all the sending the papers to the commission of marine at Paris, involves the most unwarrantable hardships and delays ; and I am sorry to add that all our vessels experience some of those difficulties ; and indeed such as arrive with cargoes on account of the Republick, months clapping before the captains can get their clearances and papers, many of which are often lost or mislaid.

As to the second head, the agents of the commissions of commerce at the different ports having no power to treat directly for cargoes, it follows, that they must write to the commission at Paris for orders ; and after one or two months fruitless correspondence, it often happens that the captains are obliged to come up to Paris ; where being ignorant of forms and language they have to encounter a thousand difficulties.

It would be too tedious to mention all the inconveniences resulting from the third general complaint. In the first place, the delays at the commission of marine are incredible. The captains whose vessels are brought into ports by the armed vessels of the Republick, cannot withdraw their papers from the hands of the marine agents, but are forced to Paris, to solicit, time after time, of the marine, a report upon them to the committee of publick safety. The cruel delays attending this will be illustrated in the examples annexed. The report being made before it can reach the latter body, it must have the signature of the commissaries, and go through other formalities, and when it receives the sanction of the committee of safety, has to travel nearly the same road back.—Judge, sir, of the tedious delay attending this ; indeed you will see cases where the poor captains have been many months in arriving at the above point ; and I myself, after having pressed several reclamations for weeks past, have not yet been able to bring one to that issue.

To sell to the commission of commerce is still more difficult. When a bargain is concluded with them, an order

is issued to the keepers of the publick magazines to receive the cargo sold; who often pretend that there is no room to receive it, and frequently they keep the captains waiting weeks before their whim or convenience will induce them to receive it; this point gained, application must then be made at Paris to the commission of commerce for payment; who refer the captain to their board of agency; they make a report to the comptabilité of the same commission, from thence it must go to the committee of finance, then to the committee of publick safety, from whence it returns to the comptabilité. This labyrinth of perplexity of course throws the captain into the hands of an agent, who preys upon his distress; and when all these forms are fulfilled, it is not always that the captain can immediately touch his money. If, in the first instance, the commission will not purchase his cargo on the terms he asks, they tell him he may depart; but on returning to his vessel, is most commonly prevented from sailing by the agents at the port. If it is mutually agreed that merchandise shall be taken in exchange, the difficulties become greater. If assignats, with permission to export wines and brandy, the captain finds himself taken in; for the commission will put those very articles in requisition. If the commission tells the captain that they do not want his cargo, and that he may sell to individuals, he finds that he cannot export the proceeds unless he gives a security that he will import afterwards into the Republick the same amount in articles of the first necessity, such as provisions, &c. If the captain is so unfortunate as to have to treat with the agents of the commission, he is certain to feel their imposition,—they frequently refuse to confirm their own agreements.—In short, after every sort of delay and vexation, should the captain claim an indemnity, he has to wade through double the difficulties heretofore stated, and perhaps after all to leave his business incomplete in the hands of an agent.

The 4th and last general complaint is of a delicate and important import. Mr. Fauchet, the French minister, has made considerable purchases of provisions in America for account and in the name of the French Republick;—one house has engaged to furnish 20,000 barrels of flour:—thirteen vessels loaded with these provisions have already arrived; and in vain have I demanded of the commission

of commerce their answer respecting the payment of those contracts ; except that in the commencement, they assured me the committee of finance had ordered the payment of three cargoes at Bordeaux ; but to my surprise, two days after I found that no report had been made by the commission of that committee.

You have judged, sir, the commerce of this country being immediately under the control of one branch of the administration of its government, that it was necessary to adopt some corresponding measures in order to protect the rights and interests of our citizens, and for that purpose having provisionally named me to the place of consul, I have accepted it, as well to answer your views, as in the hope of rendering some good to both republicks.

Before I conclude, permit me to observe, that it is of indispensable importance to obtain some mode of having the claims of our citizens adjusted, for supplies furnished to the colonies of the French Republick, and likewise the numerous claims in consequence of the late embargo at Bordeaux. I am authorized by many of the claimants to adjust them ; and have many of the documents in hand, but wish for further instructions from you.

I would offer to your view a statement of the immense sums already paid by this Republick, and to be paid, as indemnities for the extraordinary and useless delays of our vessels ; but the consuls and agents have not yet furnished me with the requisite documents : it is however a fact, that not a single vessel arrives from America and departs, without having some such reclamation to make. I am persuaded that many millions are absorbed in this manner.

It is with real regret, sir, that I find myself obliged, the duties of my station requiring it, to present to your view so many complaints of so serious a nature, as in my opinion calls for your earliest attention ; but in doing this I do not forget, and it will ever be my effort to cultivate as much as possible, a good understanding between the citizens of our country and those of France.

With respect, &c.

FULWAR SKIPWITH.

The Hon. Col. Monroe.

A Report on some of the American vessels captured by the armed vessels of the French Republick, and carried into the various ports of the Republick.

1st. THE ship Alexander, captain Woodward, with a cargo of flour, on account of the French government, was captured on the 5th of August last, by the frigate Agricola, and conducted to Rochefort, being stripped of all her crew, except the cabin boy. This vessel, from extreme neglect, since her arrival at Rochefort, is in a condition unfit for sea, without undergoing considerable repairs, and remains there deprived of her people. The demand of the freight, agreeable to the charter party signed by Mr. Fauchet, has been long since, and remains, with the commission of commerce.

2d. The Brigantine Olive Branch, captain John Bufington, taken by the frigate Semillante, was conducted to L'Orient on the 30th of August, with a mixed and perishable cargo; the seals remain upon her hatches; and besides having been rudely insulted by having her colours hauled down by order of the captain of a French sloop of war, she was deprived of her crew, and ran many risks of being wrecked by the inexperience and negligence of those who were put on board of her.

3d. Brigantine Polly and Nancy, captain Brien, was taken into Brest the 26th of August, after being deprived of ten of her ships company.

4th. The brigantine Apollo, captain Parker, taken the 26th of February, and carried to Rochefort, and not liberated until the beginning of September; and the captain has not yet been able to prevail on the commission to make a report to the committee salut public, in order that he might obtain the indemnity so justly due him.

5th. The ship Robert, captain Whippley, taken by the Proserpine frigate, and conducted to Brest.

6th. Ship James, taken by an armed vessel, and conducted to L'Orient in the month of August, after being deprived of mate and ten men.

7th. Schooner Ruth, captain John Peter, taken by the frigates the Railleuse la Resolve and the Insurgent, and conducted to Rochefort, after being stripped of all her crew except the cabin boy, where she remains with her hatches closed, and the cargo (of fish) in a perishing state.

Vessels of the United States now detained in different ports, loaded on account of the Republick, their contracts signed by the French Minister, and payments not obtained, or at present likely to be obtained of government here.

At Bordeaux since the 6th of August, 1794.

The Ariel,	Captain Decator,
Brigantine Mary,	Fleming,
Do. Susannah,	Towers.

I have demanded payment of the cargoes of those three vessels of the commission of commerce, and was answered that the committee of finance had given an order for that purpose; but on my application to that body I find they have not.

Arrived at Nantes in the month of August.

The Goddess of Liberty,	Capt. Glad,	} 2720 barrels
Mary,	Puller	
Norfolk,	Baron	} 4203
Bellona,	Brooks	

At L'Orient 5th August.

The Alexander, captain Woodward, 1595 barrels flour.

At Brest, 26th August.

The Polly and Nancy, captain Bryan, loaded with flour, and three others.

At Rochefort 2d September.

Brigantine Sally, captain Grice, 1638 barrels flour.

All the above vessels are waiting; and though I do not get a positive denial, I can obtain no promise of payment for their cargoes.

Particular cases of American Vessels.

1st. The Paragon, captain Gerrish, I laded at St. Lucie in September, 1793, and cleared her for Amsterdam; in the month following she was stranded upon the French coast in the Department of Montagne sur mer. The judges of the Canton of St. Jose, ordered the part of the cargo damaged to be sold, and the good to be stored. The captain after four journeys to Paris, fruitless attendance on the marine, and twelve months detention has been forced to abandon the pursuit; and since my residence here, though in the quality of proprietor as well as

consul I have not been able to obtain restitution of the property.

2d. Captain Newell arrived at Havre in the month of June, 1793, with a cargo 88,000 livres value, which he sold and purchased to the amount of 47,000 livres in articles of luxury. At the moment his vessel being ready to depart, a decree of the national assembly appeared, prohibiting the exportation of all merchandise whatever:—Newell was consequently obliged to despatch his vessel empty; many months, however, after, he procured from the commission of commerce permission to export those goods; and at his arrival at Havre, where they lay, not finding an American vessel to be hired, he chartered a Danish one, and shipped the goods; but applying for a clearance at the custom house, he was required not only to give approved surety of his landing the goods at his particular port of residence in America, but likewise that he should ship them in an American vessel only.—The hardship of the case compelled him, of course, again to Paris; and he is now in vain soliciting that he may be relieved from giving a security that as a stranger he cannot obtain, and being allowed to export his property in other than a neutral bottom, the one he has chartered lying all the while at his expense at 9*l*. sterling per day.

3d. The brigantine Hope, captain Hooper, captured and sent to Rochefort in March last, whose cargo was sold soon after to the commission of commerce, has only from that time to this been able to obtain a report from the commission of commerce to the committees salut public and finance.

4th. The ship Kensington, captain Kerr, was taken by a frigate, and sent to Morlaix, the 28th April last; the commission of commerce refused to purchase his cargo; notwithstanding, he has been detained in port ever since.

5th. Some time ago the commission of commerce purchased the cargo of the brigantine Iris; but finding afterwards that the articles which composed that cargo might be bought on lower terms, they refused to comply with their contract; the proprietor therefore demanded restitution of a considerable part of his cargo remaining unsold, and offered to take the price they pleased for the part that was; this was rejected; and the captain at present can get no satisfaction whatever.

6th. The agents of the commission of commerce purchased at Havre the cargo of the ship Fabius, payable in bills on Hamburgh; but after a tedious delay, they would only give him bills on Basle; pretending they could not draw on Hamburgh; though they gave immediately after bills on that place to others. However, after another month's vexation and delay in this situation, Mr. Vans, the proprietor, obtained bills on Hamburgh, which have come back protested for non-payment: and the commission refuses to allow the customary damages. Mr. Vans likewise sold to their agent at Dunkirque, a valuable cargo, and the sale was ratified and approved by the representative of the people then with the northern army, and who was possessed of the power from the convention of making unlimited purchases; still the commission of commerce oppose the fulfilment of the contract.

Vessels of the United States captured going to and coming from different ports, and their treatment by armed vessels of the Republick.

1st. THE ship Mary, captain Titcomb, on her passage from London to Boston, was captured by the sloop of war the Hendrick (a prize to the French frigate the Surveillante) her passengers, among whom there were three American families, were plundered of their hats and watches; the crew experienced no better fate, and the cabin was entirely ransacked. The passengers though late at night, and the sea running extremely high, were hurried into a small boat and sent at some distance on board the sloop of war. The women, of whom there were several, from the hardships they underwent, have been indisposed ever since. The ship entered Brest on the 1st of September, the passengers remain at this time on board a prison ship, and the commissary of marine has not yet made a report upon the business.

2d. The ship Severn, captain Goodrich, on her passage from Bristol to New York, with several families on board who were going to settle in America, was captured by the Proserpine frigate, who took out of the Severn the passengers, crew, papers, and live stock, and sent her into Brest on the first September, where the passengers remain on board the prison ship, called the City of

L'Orient, and no report can be obtained from the commission of marine.

3d. The ship *Mary*, captain Preble, was captured by the above mentioned frigate on the 18th August on her passage from England to America, with a number of passengers, and has experienced the same treatment in every respect that the *Severn* did.

4th. The brigantine *Theodosia*, captain Justice, was captured by a French Squadron on the 14th September, and conducted to Brest, with a perishable cargo, where she remains, her hatches closed; and as yet I cannot obtain a report from the commission of marine.

5th. The schooner *Roebuck*, captain Kensman, captured by the frigates *Surveillante* and *Fidele*, was carried into Brest in May last. Her bills of loading were given to the commission of marine at L'Orient, but not having been forwarded to the commission here, no report can be had.

6th. The ship *Canton*, captain M'Ghee, captured in the East Indies in the month of October, 1793, by a French privateer, and sent to the Isle of France.

7th. The ship *Woodrup Sims*, captain Hodgson, captured by the *Jacobin* and *Atalanta* frigates, and sent to Rochefort the 12th September, remains with a perishable cargo on board, and no report can yet be obtained of the commission of marine; this vessel on her last voyage to Bordeaux was detained nine months.

8th. The brigantine *Peggy*, ———, taken by an armed brigantine of the Republick, was conducted to Rochefort the ———; the captain and crew were in prison during eight days, the seals put upon the hatches, and the papers taken from the captain.

9th. The ship *George*, captain Symes, captured by the frigate *La Galathie*, and carried into Morlaix in January last, her papers and crew were wrested from her; and after considerable delay of the cargo on board, it was landed and stored by order of the judge of the peace, and not till some months after, was a report made to the committee salut public.

10th. The brigantine *Hope*, captain Hooper, taken by three frigates, and conducted to Rochefort in the month of March, remains there still; and the captain at Paris unable to close his business.

11th. The ship *Union*, captain Biard, taken the 12th January by the frigate *La Resolue*.

[C]

TRANSLATION.

Extract from the Register of the Decrees of the Committee of Publick Safety, of Finance, of Commerce and Supplies of the National Convention of the 25th Brumaire, in the third year of the French Republick, one and indivisible—15th November, 1794.

Art. I. THE vessels of the United States and those of the other neutral powers may freely enter the ports of the Republick, and go out thence, whenever they shall think proper; and it shall not be permitted, that any constituted authority may delay their departure or oblige the masters to sell their cargoes against their consent.

II. When the masters or owners of neutral vessels think proper to sell their cargoes to government, they shall be paid in the manner which shall be mutually agreed upon.

III. It is enjoined upon all commanders of naval armaments, divisions, squadrons, fleets or vessels, to respect and cause to be respected, under their responsibility, towards neutrals, and the allies of the Republick, the law of nations, and the provisions of treaties, by a strict compliance with the terms of the decree of the National Convention of the 27th July, 1793.

IV. In consequence they are expressly forbidden to make these vessels deviate from their voyages, to take from on board of them the captains, sailors or passengers, except soldiers actually in the service of enemy powers, and to seize the effects or merchandise which may be found therein.

V. There is excepted from the prohibition contained in the foregoing article :

1st. Merchandise belonging to powers in enmity with the French Republick, until those powers shall have declared free and not liable to seizure, French merchandise loaded in neutral vessels.

2nd. Merchandise, though neutral, which is called contraband or prohibited. There is comprised under the name of contraband or prohibited merchandise, arms, in-

struments and munitions of war of every kind, horses and their furniture, and every kind of goods, wares and merchandise destined for a place actually besieged, blockaded or invested.

vi. All merchandise, seized on board of neutral vessels, as belonging to enemies of the Republick, shall be unloaded without delay, and at most, within the term fixed for lay-days by the charter party, which the master of the vessel may carry.

vii. The freight of enemy goods, shall be paid at the rate contained in the bill of lading or charter party, and the master shall have permission to employ the amount of it in the purchase of merchandise of the growth or fabrick of the Republick, the exportation of which may be permitted.

viii. The master of a vessel, on board of which shall be found the merchandise above described, shall be free to depart as soon as they shall be unloaded.

ix. In case merchandise, seized as belonging to enemies, shall appear to belong to neutrals, and be declared in consequence not to be good prize, they shall be restored unchanged to the owner, if he shall not rather agree to sell them.

x. The commission of marine shall immediately present to the committee of publick safety a list of every native subject of the powers with whom the French Republick is at war, who may (up to this day) have been seized in neutral vessels, and their complaints shall be decided upon by particular decrees.

xi. The indemnities due to neutral masters who have been detained at Bordeaux, in consequence of the embargo which was laid there, shall be adjusted without delay, by the commission of marine, conformably to the decree of the committee of publick safety of the 7th Germinal.* This commission shall render an account, within six days, of the present situation of those claims.

xii. The commission of marine is specially charged to receive and to examine the accounts, which shall be presented to it by the agent of the United States, concerning the supplies, which the American merchants have furnished to the administrators of St. Domingo. It shall take all

necessary measures to procure for the interested the most speedy justice, and it shall present to the committee of publick safety, finances, commerce and supplies, the result of its doings on this subject.

XIII. The commission of marine is charged to cause the present decree to be published in all the ports of the Republick.

The commission of foreign relations shall transmit it to the agents of the Republick to the allied or neutral nations, with orders to communicate it to them.

A copy of it shall be delivered to the minister plenipotentiary of the United States of America to serve as an answer to the memorial presented by him on the 17th of last Fructidor.

The members of the said committees united.

MERLIN (D. D.) CAMBACERE, CARNOT, &c.

[C C]

TRANSLATION.

Extract from the Register of the Resolves of the Commission delegated by the French Government to the Leeward Islands.

THE commission resolves, that the captains of French national vessels and privateers are authorized to stop and bring into the ports of the colony, American vessels bound to English ports, or coming from the said ports.

The vessels which are already taken, or shall be hereafter, shall remain in the ports of the colony until it shall be otherwise ordered.

At the Cape, the 7th Frimaire, (27 November) in the fifth year of the French Republick, one and indivisible.

Signed on the Record of the Procès-Verbal, Leblanc, President; Sonthonax, Raimond, Commissioners; Pascal, Secretary General.

A true copy.

The Secretary General of the Commission.
PASCAL.

[D]

A Statement of the Claims of Citizens of the United States, upon the French Republick, presented by Mr. Skipwith, Consul General of the United States, at Paris; and also of his proceedings and remarks upon them, viz.

LIST OF AMERICAN CLAIMS, settled with the French Government, by Fulwar Skipwith :

	Livres Specie.	Livres Assignats.
No. 1. Brig Apollo, of Boston, capt. Benjamin Parker, captured and carried into Rochefort,—recovered an indemnity,—paid to the captain	34,791	4,454
2. Ship George, of Boston, captain Elias Dawes Symes, captured and carried into Morlaix,—an indemnity was allowed by the committee of salut public, for her detention, to be regulated by arbitrators, who made up their award for demurrage, in assignats, but by my repeated applications to the committees of government, I obtained the payment of 1,355 <i>l.</i> sterling, in silver	32,520	
3. Schooner Trial, capt. Timothy Tuft, was detained by embargo, at Calais.—I recovered for him an indemnity.—Paid to the captain		176,000
4. Ship Alexander, capt. Thomas Woodward, captured and carried into Rochefort.—I obtained for him the payment of his freight; also an indemnity for demurrage of <i>l.</i> 39,676 specie, 3,418 assignats. The specie part was paid in assignats, with the depreciation, and I accounted to the		

	Livres Specie.	Livres Assignats.
captain for specie : besides, I had his vessel repaired at this government's expense.—Paid to the captain - - -	39,676	3,418
5. Brig Margaret, capt. Benjamin Berry, captured and carried into Havre.—I recovered for him.—Paid to the captain -	34,887	11,560
6. Ship Minerva, captain Thomas Cutts, captured and carried into Brest.—I recovered for her demurrage 2,460 <i>l.</i> sterling.—Paid to the captain, in bills -	59,040	
7. Brig Robert, capt. Coffyn Whippley, captured and carried into Brest.—I recovered for her demurrage <i>l.</i> 26,136 specie ; paid in assignats at the course of exchange, and in assignats 12,100 for the captain's expenditures.—Settled with the captain -	26,136	12,100
8. Ship McGilvra, capt. Hugh Gemmel, captured and carried into Brest.—I have recovered the payment of freight and demurrage, amounting to 35,661 marcs banco, and 15,000 assignats.—Remitted agreeably to the captain's orders - - -	65,982 13 7	15,000
9. Ship Kensington, captain Walker Kerr, captured and carried into Morlaix.—Indemnity for demurrage recovered and paid - - -	-	86,320
10. Schooner Helen, captain John Craft, captured and carried into Bordeaux.—His cargo of corn seized upon by the officers of government.—Recovered in payment of his cargo <i>l.</i> 46,321 specie, and for demurrage and		

	Livres Specie.	Livres Assignats.
indemnity, 1.13,104 specie, and 5,425 in assignats - -	13,104	5,425
11. Brig Nancy, captain An- drew Dunning, captured and car- ried into Brest.—Recovered for his detention and demurrage 460 <i>l.</i> sterling, in specie, 14,600 in assignats, and 12 <i>l.</i> sterling, for two thousand staves -	11,328	14,600
12. Brig Hope, captain Asa Hooper, captured and carried into Rochefort.—Recovered an indemnity of 1.53,370 specie, and 3,110 assignats - -	53,370	3,110
13. Ship Fabius, capt. Conan, captured and carried into Bor- deaux.—Recovered his indemni- ty.—Paid to the captain to the amount of - -	39,807 5	
14. Messrs. Patten and Pren- tis, citizens of the United States, owned half of the cargo of a Swedish ship the Nittumfork, captured and carried into Brest ; the price of which they recover- ed.—I obtained for them an in- demnity for their expenses, from the date of their settlement to the day of their payment, of - -	-	6,250
15. Benjamin Jarvis had the French minister Fauchet's bills on the commission of supplies, for 1.165,000 specie ; the payment of which I obtained in assignats, at the rate of exchange, and paid Mr. Jarvis in bullion -	165,000	
16. The ship President, capt. John Anderson Smith, brought from Baltimore a cargo of flour, on account of the French Re- publick, 994 barrels of which remained unpaid on account of		

Livres Specie.

Livres Assignats.

some difficulties between the supercargo and the French agents.

—I recovered the payment of 2,236*l.* 10*s.* sterling, on account of Oliver Kane, assignee of Mr. Barton

53,676

17. The brig *Eagle*, capt. William Conan, came as a cartel from Jersey, with prisoners of war, to Roscoff, where she was stopped and detained.—I obtained her release, with permission to sail out; but no indemnity was granted, this government referring the captain to the power that employed him.

18. The brig *Friendship*, captain Ebenezer Hoyt, arrived at Rochefort.—I obtained for him the payment of his freight, amounting to *l.*36,869 specie, and also an indemnity of *l.*18,144 specie, for his detention

55,013

19. The brig *Hiram*, captain James Craig, ran aground near Bologne: she was got off, but carried into Bologne, and detained there.—I procured her release; but have not yet been able to obtain an indemnity for her detention.

20. Thackster Taylor had received from his house of Baltimore, bills of citizen le Comte and Gornon, agents of the French Republick in America, to the amount of 30,000*l.* sterling.—Those bills having been protested for non payment at Ham-
burgh, I recovered the amount from the government, *l.*720,000 specie

720,000

Livres Specie.

Livres Assignats.

21. Ship Rising Sun, captain Welkey.—Recovered the payment of his freight, of 8,580 dollars. Demurrage is not yet paid 46,332

22. William Vans had made a contract with some of this government's agents.—I recovered the payment for him, (all but a small part, which remains unpaid) in brandies and wines; specie 385,926

23. John Dickey, agent of the house of Oliver and Thompson, of Baltimore, sold to the government a cargo of hemp, iron and lead.—I recovered the payment for him, of - - - 161,479 10

24. Bark Apollo, capt. M'Gruder.—Recovered the payment of her cargo of flour, in specie 107,070

I am soliciting the payment of the demurrage.

25. Messrs. Townsend, Franklin and Sadler made contract with the French government.—I have obtained for them arretés, from the committees of government, for the payment of, in specie 2,239,693

N. B. Remains unpaid, 1,1009,793.

26. The brig Two Brothers, capt. Carman, delivered by contract, a cargo of leather.—I have obtained an arreté, for the payment in specie, of - - - 260,526

N. B. There is but one quarter paid.

27. Ship Hawk, capt. Moses West, delivered at Brest by contract, a cargo of leather.—Obtained an arreté for the payment in specie, of - - - 130,938

N. B. Only one quarter paid.

Livres Specie.

Livres Assignats.

28. Ship Olive Branch, capt. Buffington.—Obtained an arreté for the payment of her cargo, in specie - - - 147,537

N. B. Only one fourth paid.

29. The schooner Success, capt. Elias Low.—Her cargo of fish taken for government's use.—Obtained an arreté for the payment of - - - 35,762 10

30. Schooner Industry, capt. Isaiah Snow.—Her cargo of fish taken for government's use. Obtained an arreté for the payment of - - - 42,300

N. B. One third remains unpaid.

31. Joseph Pitcairn, agent of colonel Smith, delivered to the Republick, by contract, the cargoes of the ship George and Lydia.—Recovered the payment of the same, amounting to, in assignats - - - 6,480,400

32. Ship Ann, capt. Coffin, delivered at Havre, by contract, a cargo of pearlash, and potash.—Obtained an arreté for the payment of, in specie - - - 155,567 16

33. Ship Severn, capt. Jared Goodrich.—Obtained an arreté for the payment of her freight, in specie - - - 22,641 19

N. B. Only one fourth paid.

34. Capt. Jacob Smith, of the ship General Green, sold to this government, a cargo of hemp and iron, the payment of which I recovered independently of the amount of the iron - - - 42,275

35. Brig Polly, captain Richard Christie.—Obtained an or-

	Livres Specie.	Livres Assignats.
der for the payment of demur- rage, of - - - -	3,847 10	
36. Brig Henry, captain Hen- ry Hodge, captured and carried into Morlaix.—Got so much en- damaged under the command of the prize-master, that the captain abandoned her, entering his pro- test before the proper officer. Having previously obtained an arreté, that declared the vessel American property, I obtained likewise an order for another ves- sel of the Republick, in lieu of the Henry, at the choice of the captain, who pitched upon an English prize, the Quaker. I have also obtained an idemnity for his detention, of 1,11,284 specie, and 11,536 assignats	11,284	11,536
N. B. The indemnity is not yet paid.		
37. Brig Four Friends, capt. Joseph Gleen.—Recovered the payment of his freight (this ves- sel having been captured) in specie - - - -	35,196	
Obtained also an arreté, for his indemnity, amounting to 12,012 curr. in specie - - - -	26,693	
N. B. The indemnity is not yet paid.		
38. Brig Theodosia, captain John Justice, captured and car- ried into L'Orient.—I have ob- tained an arreté for the payment of the indemnity of 2,600 florins, equal in specie to - - -	5,777	

Claims before the Government.

39. The ship Severn, capt. Jared Goodrich, owned by
Messrs. Thomas Piersall and Elijah Pell, of the city of

New York, bound from Bristol to New York, was captured by the French frigate *Proserpine*, and carried into Brest.—I obtained an *arreté* on the 24th day of October, 1794, which released the vessel, but condemned the greatest part of the cargo, ordering the payment of the freight of the part condemned, and an indemnity for the detention.

N. B. The indemnity is fixed by the arbitrators, but not yet obtained.

Claims for the Cargo.

40. James Davy.—I have claimed for him the release of the articles contained in his bill of lading, consisting of 3 casks of merchandise, 1 long bundle do. 3 bundle shovels, 1 bundle pans, and 6 casks of iron weights. As most of this cargo has been distributed, I want the original invoices and testimonials of the value of the articles, in order to recover the value of them—not determined.

41. Messrs. Malcomb M'Ewen and Son.—I have claimed for them the release of tin and lead, to the amount of 240*l.* 18*s.* sterling; but the original invoices are wanting for the recovery of the value—not determined.

42. Messrs. Moses Rogers and William Woolsey.—I have claimed for them the release of their part of the cargo—not determined.

43. Messrs. John Kane and Brothers.—Claimed their part of the cargo—not determined.

44. Andrew Van Tuyl.—Claimed his part of the cargo—not determined.

45. Messrs. Peter Goelet and Robert Ratsey Goelet.—Claimed their part of the cargo—not determined.

46. Samuel Amos.—Claimed his part of the cargo—not determined.

47. Nicholas Van Antwerp.—Claimed his part of the cargo—not determined.

48. Francis Basset.—Claimed his part of the cargo.—The commission of marine has answered that the property was released by the *arreté* of October 1794; it is supposed of course, that it was re-shipped by the captain. I have wrote to Brest, and to Mr. Basset, for information.

49. John Haster.—Claimed his part of the cargo—not determined.

50. Messrs. Bbediat Bown and Andrew Bowne.—Claimed their part of the cargo—not determined.

51. Joseph Blackwell.—Claimed his part of the cargo—
—not determined.
52. Thomas Cadle.—Claimed his part of the cargo—
not determined.
53. Stephen Deblais.—Claimed his part of the cargo—
Original invoices and prices of the goods, copy of the bill
of lading, wanting.
54. Messrs. Douglass and Roe.—Claimed their part of
the cargo—not determined.
55. Daniel Dunscomb.—Claimed his part of the cargo.
The property released by arreté of the 26th of April, 1795.
The value yet to be recovered.
56. James Farley.—Claimed his part of the cargo—not
determined.
57. William Gazzam.—Claimed his part of the cargo—
not determined.
58. John J. Glover.—Claimed his part of the cargo—
not determined.
59. Peter Goelet.—Claimed his part of the cargo—not
determined.
60. John Ever.—Claimed his part of the cargo—not
determined.
61. Messrs. Hallet and Bowne.—Claimed their part of
the cargo—not determined.
62. Andrew Hammersly.—Claimed his part of the cargo.
I have wrote to Birmingham for a duplicate of the in-
voice, that forwarded by Hammersly being so wet, that no
use can be made of it.
63. Uriah Hendricks.—Claimed his part of the cargo.
I have no invoice.
64. Messrs. Oliver and Hull.—Claimed their part of the
cargo—not determined.
65. John Lawrence.—Claimed his part of the cargo—
not determined.
66. Messrs. Loomess and Tillinghast.—Claimed their
part of the cargo—not determined.
67. Messrs. Lyde and Rogers.—Claimed their part of
the cargo—not determined.
68. Messrs. Outhout and M'Ewen.—Claimed their part
of the cargo—not determined.
69. Messrs. Pearsall and Pell.—Claimed their part of
the cargo—property released by arreté of 26th April, 1795.
Invoices wanted to recover the value.

70. Messrs. Thompson and M'Grego.—Claimed their part of the cargo—not determined.

71. Walter Weyer.—Claimed his part of the cargo—not determined.

72. Abraham Varick.—Claimed his part of the cargo—not determined.

73. Messrs. Underhill and Son.—Claimed their part of the cargo—not determined.

74. Messrs. Alexander and John Mowatt.—Claimed their part of the cargo—property released, but the value not yet recovered.

75. Schooner Lark, captain Samuel Lovet, was captured at sea. The prize master lost both vessel and cargo, on the coast near Bayonne. I obtained an *arreté*, which acknowledges the property of both vessel and cargo to be American property, and orders the payment of the value thereof; which value is to be ascertained by arbitrators.—The arbitration not yet made.

76. Brig Mary, of Haverhill, captain Jonathan Titcomb, captured and carried into Brest.—Obtained an *arreté* which releases both vessel and cargo, and orders an indemnity for deviation and detention—the award is made up, but the order of payment not yet issued.

77. Ship Fame, captain John Coleman, captured and carried into l'Orient.—Obtained an *arreté* for an indemnity—the award made up, but the order of payment not yet obtained.

78. Snow Mercury, captain George Todd, captured and carried into Morlaix, and released.—The demand of an indemnity not yet answered.

79. Ship Andrew, captain Samuel Makin, captured and carried into l'Orient. Claims made for the value of the cargo, and for an indemnity for the detention of the vessel—not determined.

80. Brig Trenton, captain George Graham Hussey, captured by the French and retaken by the English. Claims made for an indemnity on behalf of the mate William Cook, who was taken out of her and was plundered—not yet determined.

81. The Ruby, captain Dexter, captured and carried into Morlaix.—Claimed for Mr. Blake the value of the cargo—not determined.

82. Mr. Thomas Hickling, acting as American consul at St. Michel.—Claimed for him his half of the cargo of the Swedish ship the Nullsurfok, captured and carried into Brest—not yet determined.

83. Ship Little Cherub, captain Rat. Bird, owned by Thomas Ramsden; captured and carried into Dunkirk.—Claimed an indemnity, demurrage, &c.—not determined.

84. Brig Amphion, captain Joshua Sayer, captured and carried in Cayenne.—Claimed the payment of the freight—not determined.

85. Brig Hero, captain George Frost Blunt, captured and carried into Cherbourg.—An arreté orders the indemnity to be settled by arbitrators. The award giving less demurrage than what is specified in the charter party, remonstrances are put in against—not yet determined.

86. Brig Hero, captain George Frost Blunt, captured and carried into Cherbourg.—Messrs. James Burgess and Co. of Charleston.—Claimed for their part of the cargo—not determined.

87. Brig Hero, captain Blunt.—Messrs. David Lamb, Montgomery.—Claimed for their part of the cargo—not determined.

88. Brig Samuel, captain Alexander Black, captured and carried into St. Malo. Part of the cargo has been endamaged—recovered the payment of that part of the cargo that was not damaged—claims for the damaged part and for an indemnity, is pending before the executive commission of marine. The part of the cargo paid, amounted to liv. 61,847 specie.

89. Schooner Abigail, captain George Dunham, captured and carried into l'Orient.—Obtained an arreté for the indemnity, which has been awarded, but the order of payment not yet obtained.

90. Ship Union, captain Richard Beard, captured and carried into Cherbourg.—Arreté granted for the payment of the cargo and for an indemnity for detention—nothing yet paid.

91. Schooner Retrieve, captain Daniel Jackson.—Claimed part of her cargo taken by the French at Leogane, in Hispaniola—no determination.

92. Schooner Ruth, captain John Peters, captured and carried into Rochefort.—An indemnity was awarded for

his detention, but the captain not being satisfied with the award, a demand is put in to overset it.

93. Ship *Ann and Susannah*, captain Richard Lane, captured and carried into l'Orient.—The indemnity is awarded, but not yet obtained.

94. Captain Joshua Barney sold to this government the cargoes of the *Sidney*, *Ariadne*, *Pomona*, *Harmony*, *Fame* and *Moggy*.—Obtained an arreté that the demurrage of these six vessels be settled by arbitrators.—The award not yet made.

95. Brig *Olive Branch*, captain John Buffington.—Indemnity for demurrage not yet obtained.

96. Schooner *Success*, captain Elias Low.—The award for the indemnity made up, but the payment not yet obtained.

97. Schooner *Industry*, captain Isaiah Snow.—The award for the indemnity made up, not yet paid.

98. Henry Saddler.—Claimed for him demurrage of the *Iris*, *Betsey* and *Enterprize*—not yet determined.

99. Joseph Pitcairn.—Claimed for him the demurrage of the *George* and *Ann*—not yet determined.

100. James Robert Livingston.—Claimed for him the demurrage of the *Two Brothers*—not determined.

101. Isaac Cox Barnet.—Claimed for demurrage of the *Hawke*—not yet obtained.

102. Ship *Ann and Susannah*, captain Richard Lane. Her cargo was sold to the government by Mr. George Bunker, one of the owners.—Obtained the payment of it, liv. 96,390 specie.

103. Ship *Hamilton*, captain Teer.—Claimed her demurrage—not yet obtained.

104. Ship *Cincinnatus* — agent, John Dickey.—Claimed demurrage ; not determined.

105. Barque *Apollo*, captain M'Gruder. Claimed demurrage ; not determined.

106. Schooner *Sally*, captain John Hall. Her cargo of warlike stores was delivered to the administration of Guadeloupe, but not yet paid. Claimed the payment of the same ; rejected by the commission of marine for want of an account liquidated at Guadeloupe, and proper vouchers ; a fresh claim put in notwithstanding.

107. Ship *Carolina*, captain Samuel Gerrish. This vessel was cast away on the coast near Bologne ; the govern-

ment officers seized on the property that was saved, and the committee of publick safety passed an arreté, ordering the sale of the same, and that out of the proceeds the captain should receive his freight. The goods saved were sold at vendue for assignats at the maximum price, which assignats would hardly pay near one third of the freight. I have remonstrated against the illegality of the proceeding as contrary to the convention made between France and America ; no determination.

108. Brig Triton, captain William Ridgway, captured by the French privateer Rochambeau, and carried into Martinico, where the vessel was released, but the captain condemned to pay 3,300 liv. specie to the privateer. Claimed a restitution and an indemnity for detention. The whole rejected by the commission of marine, because the captain was not on board, nor the ship's papers, when the capture was made.

109. Brig Mary, captain Nathaniel Halley, captured and carried into Brest. Claim is put in for an indemnity for demurrage and detention, as also the freight of the goods condemned.

110. Brig Mary, captain Halley. Peter Goelet. Claimed for him part of the cargo.

111. Brig Mary, captain Halley. Charles Hopkins. Claimed for him part of the cargo.

112. Brig Mary, captain Halley. Messrs. Richard Hallet and Walter Bowne. Claimed for their part of the cargo.

113. Brig Mary, captain Halley. Messrs. Samuel Dexter and Thaddeus Pomerey. Claimed their part of the cargo, in behalf of Messrs. Robert Dale, Charles M'Ever, jun. Theophilus Bache, and Comfort Sands.

114. James Grubb. Claimed for him the payment of 66,000 livres specie, for flour delivered to the French administration of Hispaniola.

115. Sloop Jenny, of Savannah, Delaroque, master and owner ; captured and carried into Cape Francois, and condemned. Claimed the value of the sloop and cargo, but it is impossible to obtain an order of payment, without some documents to prove the value, which Mr. Delaroque has never transmitted. When the necessary papers arrive, a claim will be put in for an indemnity.

116. Brig Friendship, captain Henry Olney; supercargo, Ephraim Talbot; captured and carried into Bayonne. Claimed an indemnity.

117. Brig Betsey; captain Daniel Boyer; owner, Mr. Stephen Vernon, of Philadelphia. Claimed the payment of the cargo delivered at St. Domingo. Rejected by the commission of marine, referring to the administration of St. Domingo. A new claim put in.

118. The Ship Jones and Richard of Philadelphia, captain Edmund Nowland, entered at Bordeaux, coming from Hamburg, with dollars on board to purchase wines and brandies. He declared at the customhouse on entering the cash he had on board, and lodged it with the consul; ready to sail, the captain took his cash on board, where it was seized. Claimed for him restitution of the same.

119. Armstrong and Barnwell of New York. Claimed for them the payment of a bill of the French administration of St. Domingo, on the French minister near the United States, for liv. 16,225, which bill has been duly protested, for refusal of payment by citizens Genet and La Forest.

120. James Vanuxem for citizen Faure. He remitted four ordonnances on the minister plenipotentiary of France, near the United States, drawn at St. Domingo, to the amount of liv. 39,751. Claimed for him the payment of the same; but the letter of attorney of Faure is wanted.

121. Peter La Maigre. Claimed for him the payment of six ordonnances on citizen Genet, duly protested, amounting to liv. 138,776; not determined.

122. Schooner Dairy Maid, captain John Hammel, plundered by the French privateer the Little Democrat. Claimed the payment of the effects plundered agreeably to the accounts furnished; not determined.

123. Brig Maria, captain Keyran Walsh, owned by Mr. Ebenezer Stocker, of Newburyport, Massachusetts, captured by the French frigate Medea, and recaptured by a British letter of marque. Claimed for the effects plundered and detention of the vessel, 2,204 dollars, agreeably to the accounts furnished.

124. Sloop Diligent, captain John Cunningham, owned by Messrs. Solomon Wilson, George Benn and Nathaniel Norsworthy; captured and carried into Bassatterre, island

of Guadaloupe. Claimed an indemnity for the detention and effects plundered of 737 dollars 10 cents.

125. Brig Thomas, captain John Salter. Claimed the payment of the freight from Martinico to France, for transporting a number of French sailors and soldiers.

126. Schooner Alice, captain Joseph Gould, owned by John Bullock, of Providence, Rhode Island; captured and carried into St. Lucie, and there condemned. Claimed the value of the vessel and cargo, and an indemnity.

127. Brig Gayoso, captain Joseph Graisbury, owned by Messrs. Reed and Ford, of Philadelphia, plundered by the French privateer Little Democrat. Claimed 2,386 dollars 90 cts. agreeably to the account.

128. Brig William, captain Benjamin Henderson, owned by William Gray, jun. of Salem, plundered by the French privateer Citizen Genet. Claimed the amount of the effects plundered and an indemnity; not determined.

129. Schooner York, captain Andrew Burk, owned by Mr. Nicholas Cruger, of New York, captured at Port-au-Prince: both vessel and cargo condemned. Claimed the value of the whole, and an indemnity.

130. Ship Indian Chief, captain Swail, captured and carried into Cherbourg. An arreté orders the payment of an indemnity; but the award of the arbitrators is in assignats, which by the considerable depreciation, cannot be received. I am soliciting the payment of it in specie.

131. The John, captain Clarke, captured and carried into Cherbourg.—In the same situation as the Indian Chief.

132. The Jerusha, capt. Ebenezer Giles, captured by the French, re-captured by the British.—Claimed an indemnity for damages sustained whilst in the possession of the French.

133. Brig Hope, capt. Joseph Poole:

134. Sloop Rainbow, capt. Isaac Mackie:—Messrs. Edward Dunant and Joshua Gilpin.—Claimed for them the payment of their accounts of flour delivered at Cape Francois, &c. &c. cargoes of the two above vessels.

135. Schooner Juno, capt. Archibald Maxwell.—Claimed for William Lynch, the payment of the cargo of flour, beef, pork, &c. delivered at Cape Nichola Mole.

136. Schooner Sally, capt. William Edgar:

137. Ship Robin, capt. John Broock of Philadelphia.—Claimed for Philip Care, the payment for the cargoes of the two above vessels, as also the value of his effects, burnt and destroyed in the stores of Messrs. Crevin Jeune and Co. at the Cape.

138. Schooner James, captain Dallstrandt :—Christopher Lewis Lente, of New York.—Claimed for him 125 half Johannes freight and 2000 dollars indemnity for the loss of his vessel.

139. John Burrows, master of the sloop Lark, of Philadelphia.—Claimed for him the payment of 5 colonial bills of Guadaloupe, on the French minister near the United States, on the protests of the said bills : it would have been well that the first had been transmitted to my office.

140. Sloop Confidence, of Newburyport, capt. Bradbury.—Claimed the value of that part of the cargo that was condemned at Port de la Liberté, island of Guadaloupe, and an indemnity.

141. Schooner Success, capt. John Watson : George Brock, a passenger.—Claimed for him the effects plundered by the boat of the French frigate Concorde.

142. Danish ship Krageroe, capt. Hans P. Kinck : James Muschett.—Claimed for him his part of the cargo of tobacco, the said vessel being captured and carried into Brest.

143. Brig Eunice, capt. Benj. Carleton : John Norris, John Barr and James Barr, owners.—Claimed an indemnity for being embargoed at Brest.

144. Messrs. Cruger and Co. of New York.—Claimed for them the prayment of two original drafts of the administration of Port-au-Prince, on Citizen Genet, the one No. 19, for liv. 10,951 : 17 : 9, and the other, No. 20, for liv. 8,308 : 17. I wish they had been protested, and the protest transmitted to my office.

145. Ship Commerce, capt. Enoch Preble : Claimed for Messrs. Smith, De Saussure, and Darrell, the price of four casks of indigo, taken by the captain of the French privateer Tyger, of St. Malo.

146. British brig Mary Ann, captain John Simpson : Archibald Gracie.—Claimed for him the tobacco he had on board, as it was shipped before the time allowed by the treaty to take notice of hostilities.

147. Dutilh and Wachsmuth.—Their claim for an ordonnance from Port Republicain, island of St. Domingo, for 12,980 liv. specie, and that for a bond of 5,744 liv. 12 sous, 6 den. signed Bonevane, cannot be supported for want of original papers and vouchers.

148. Paul Siemen.—His claim for supplies of flour and gin, cannot be supported for the same reasons.

149. Dutilh, of Philadelphia.—Several of his claims, to the amount of liv. 9,445, for supplies furnished at St. Domingo, cannot be supported for the same reasons.

150. Peter La Maigre, of Philadelphia :—There are a number of copies of colonial drafts and ordonnances, the payment of which cannot be claimed for want of original papers ; also some original colonial bills, which the government pay in assignats, at their nominal value, and which I have not thought proper to receive till authorized to that effect, by the executors of La Maigre, deceased.

151. Fair American, capt. Rt. Gillet.—Claimed for Messrs. Vanuxem and Lambaert, the amount of the cargo abandoned at Cape Francois, at the time of its destruction, amounting to liv. 143,855 : 12 : 7.—Claimed at the same time, for the same owners, liv. 35,695, for flour delivered at Port Republicain, in 1793.—Claimed likewise, for the same, liv. 19,470 for 500 bbls. of flour, sold to the administration of Port-au-Prince. Those three claims rejected for want of original papers and vouchers.

152. James Gamble, of Philadelphia.—Claimed for him the payment of liv. 14,576 : 8, for the amount of a colonial draft on citizen Genet.—Rejected, and the papers delivered back to Mr. Monroe.

153. Brig Kitty, capt. William Waters, owned by Stephen Girard, of Philadelphia ; condemned at Basseterre, Guadaloupe : Having no official paper, not even a legal copy of the judgment, I have wrote to Mr. Girard, for the necessary papers and vouchers to support the claim.

154. Schooner Atalanta, of Washington, in North Carolina, (formerly the Washington) capt. Hugh Huston, captured, condemned, and sold at Basseterre, Guadaloupe. No official copy of the condemnation ; no other paper but the captain's protest, which is insufficient to present a claim upon.

155. Ship Favourite,—supercargo, Samuel Montgomery Brown, of Philadelphia : Ship and cargo were con-

demned at Port-au-Prince, for having not declared all the produce on board.—Not a single official paper to support the fact; only relations of it by the supercargo.

156. Messrs. James M'Currach & Co. of Philadelphia :—Two copies of drafts from Port Republicain, on citizen Genet.—There should have been at least certified, two copies, by the French consul at Philadelphia, and they should be under a certificate of the said consul, that the originals were deposited in his office.

157. Walter Stewart, of Philadelphia.—His claim for liv. 90,344 : 18, for supplies to the French government of St. Domingo, proceeding from the cargo of the brig Active, capt. Aaron Welch, and his other claim for liv. 32,450, for flour delivered at St. Marc, are only supported by copies of ordonnances certified by a publick notary, which is not sufficient.

158. Bartholomew Sarrazin, of Philadelphia.—His claim for property destroyed at the Cape, is not supported by affidavits of indifferent persons, of the amount and value of it, or by any other testimony than his own.

159. Brig Brothers, capt. John Baptist Smith, owned by James Barry, of Philadelphia :—There is only the captain's protest of his being taken by a French letter of marque, the Ca Ira, capt. Paris, fitted out at Charleston, and carried into St. Bartholomew, whence the captain fled before condemnation. No claim can be supported without the assistance of some other evidence.

160. Sloop Matsey, capt. Frederick King—no other paper but the protest, to prove that the cargo, left in the hands of Michael Levy, Aux-Cayes, was taken by the orders of the commissary Polverell, and not paid for.

161. Messrs. Nicholas Cruger, George Codwise and Joseph Roose.—The copies of three ordonnances of Guadaloupe, on citizen Genet, not sufficient to obtain payment.—Claims suspended for want of vouchers, original papers, or copies authenticated.

162. Schooner Polly, captain Matthew Price, captured by the French privateer Narbonnaire, and carried into Port-au-Prince, where the cargo was condemned.

163. Messrs. Petit and Bayard, of Philadelphia : Copy of an ordonnance from Port Republicain, on citizen Genet, on account of pork, proceeding from the cargo of the schooner Industry, and oil, of the schooner Franklin, de-

livered at the Cape, and on account of property left at the Cape at the time of its destruction; but no pieces of evidence or vouchers to support any part of the claim.

164. John Mayben, of Philadelphia: several copies of ordonnances from the French West India islands; but no original paper to support a demand of payment.

165. Sloop Mary Anne, of New Haven, capt. William Brentnall.—Nothing but the copy of a declaration on oath, of the mate and one of the hands, that the said vessel was plundered by the French, and then captured by the British.

166. Schooner Polly, of Washington, in North Carolina, captain Nathaniel Willis.—Freight and cargo plundered by a French privateer.—No other paper to ground a demand upon the protest.

167. Schooner Lucy, captain Loudon Bailey.—The captain's account of what the administration of Port-au-Paix, island of St. Domingo, allowed him for his cargo, and what it would have fetched at the current price.—No evidence to support the fact.

168. Schooner Betsey, captain John Murphy.—Mr. William Patterson, of Baltimore, has transmitted an account of the cargo belonging to him, taken by the municipality of Point-a-Petre; but no evidence to support the demand of payment.

169. James Saddler—Claimed his part of the cargo—not determined.

170. Messrs. Talbot, Allum and Lee—Claimed their part of the cargo.—Property released by arreté of 26th April, 1795—Invoices wanted to recover the value.

In witness of the foregoing being a true statement of the one hundred and seventy American claims, as therein respectively described, and as will appear to be supported upon the various documents deposited in the chancery of my office, I have hereunto affixed my name and seal of office, at Paris, this 20th day of November, one thousand seven hundred and ninety-five, and of American independence the twentieth.

FULWAR SKIPWITH,

[L. s.] Consul General of the United States of America,
near the Republick of France.

List of American vessels detained by embargo, at Bordeaux, and of the sums claimed for each, by the Consul at Bordeaux.

Vessels.	Masters.	Sums in livres, specie.			
1. Thomas Wilson,	J. F. Goelet	-	38,431	1	
2. Richmond,	R. Lee	-	24,572	14	
3. Lydia,	Shubael Gardner		102,173	18	
4. Bethia,	J. Brumble	-	164,967	19	8
5. Good Friends,	J. H. Ellison	-	40,442	3	
6. Harmony,	J. Osmond	-	48,813	16	
7. Two Pollys,	William Fairchilds		21,033	5	
8. Favourite,	Samuel Lewis	-	38,116	9	10
9. Sterling,	Clement Drew	-	40,491	14	
10. Prudence,	William Miller	-	40,138		
11. Peter,	Thomas Wall	-	58,573	4	
12. Hope,	Nathaniel Shadwick		44,879	12	
13. Mary,	John Church	-	61,144		
14. Caroline,	P. Wilder	-	56,153		
15. Pallas,	William Wildés	-	52,476		
16. Fame,	Jn. Coleman	-	148,038		
17. Molly,	Henry Johnson		63,693	9	4
18. Nymph,	Thos. Webb	-	13,885	4	
19. Baring,	Samuel Cooper		89,972		
20. Minerva,	James Suett	-	26,755	3	4
21. Merchant,	Jn. Jones	-	23,384	14	6
22. Mary,	Rowling Jones	-	31,222	1	
23. Favourite,	J. Orne	-	25,996	16	
24. Somerset,	Christie Miller	-	49,353	11	9
25. Elizabeth,	Nat. Clift	-	23,811	18	
26. America,	Js. Ewing	-	48,760	5	
27. Sally,	Jn. Collins	-	27,560		
28. Penelope,	B. Hammond	-	38,597	13	
29. Fanny,	Gamaliel Perry		29,030	1	
30. George,	Dan. Prowse	-	30,309	6	
31. Fame,	Alexr. Fraser	-	36,140	6	
32. Molly,	Joshua Farrel	-	42,490	2	6
33. Commerce,	Enoch Preble	-	56,869	11	
34. Agnes,	Richd. Wells	-	27,976	18	
35. Harmony,	Diedrich Tegler		30,155	15	6
36. Thomas,	Jno. Revell	-	22,388	12	
37. Vulture,	Jn. March	-	28,567	16	
38. President.	Wm. Russell	-	17,418	17	6
39. Hannah,	Wm. Garhart	-	17,886	6	8

Vessels.	Masters.	Sums in livres, specie.		
40. Maryland,	J. M. Speaks	-	42,570	19 6
41. Diana,	Robt. Emery	-	33,970	12
42. Sans Soucie,	J. Crozier	-	16,813	
43. Massachusetts,	J. White	-	17,056	
44. Zephyr,	J. Popper	-	25,492	2
45. Speedwell,	J. Crawford	-	22,690	8
46. Diana,	Martin Pease	-	23,160	
47. Columbia,	Wm. Potte	-	14,904	15
48. Nancy,	Wm. Gerrish	-	16,368	15
49. Carolina Planter,	Henry White	-	53,606	16
50. Franklin,	J. Wildrage	-	26,329	4
51. Louisa,	Wm. Morgan	-	42,762	
52. Russsell,	Daniel Reed	-	72,248	4
53. Union,	Thos. Johnson	-	26,717	14
54. Two Brothers,	Amos Greanleaf		29,821	4
55. Nancy,	Ed. West	-	22,755	
56. Eliza,	J. Worsley	-	41,453	10
57. Patuxent Planter,	F. Dorsett	-	10,304	8
58. Neptune,	Lemuel White	-	21,433	10
59. Hope,	S. Butman	-	28,830	
60. Harriet,	Js. Bently	-	27,710	
61. Ruby,	Samuel Dexter	-	25,697	1
62. Friendship,	Wm. Backhouse		29,949	10
63. Hector,	Thos. Barker	-	22,018	17 6
64. James,	R. Palmer	-	14,018	
65. Polly,	Thos. Carter	-	16,968	2 3
66. Cumberland,	Andrew Scott	-	36,085	12 4
67. Minerva,	Russel Allen	-	17,869	10
68. Minerva,	F. Cutts	-	31,032	7 6
69. Patern,	Js. Blackington		23,931	12
70. Two Sisters,	G. Pike	-	22,819	17 6
71. Rambler,	El. Minor	-	23,993	10
72. Nancy,	Nat. Sergeant	-	12,516	8
73. Ann,	P. Coleman	-	39,514	2 6
74. Harmony,	Michl. Alcorn	-	40,831	
75. John,	Jn. Pollard	-	25,091	16
76. Hannah,	Wm. Springer	-	11,973	12
77. Catherine,	Wm. Teer	-	24,263	8
78. Aurora,	Jn. Leaward	-	12,512	10
79. Connecticut,	Alexr. Little	-	34,217	12 6
80. Liberty,	Jon. Fields	-	16,801	4
81. Union,	Jn. Millinger	-	14,964	8

Vessels.	Masters.	Sums in livres, specie.
82. Britannia,	Js. Young -	14,544 15
83. John,	J. Millet -	13,458 3
84. Nancy,	Joshua Gage -	12,474
85. Active,	Jn. Robertson -	13,131
86. Hibernia,	J. Obrien -	15,584 8
87. Eliza,	Js. Clark -	37,776
88. Thomas.	Nehemiah Andrews	14,949 5
89. John,	G. Howland -	11,392 10
90. Sally,	D. Lamb -	11,175 10
91. Diana,	Js. Dickey -	17,178 10
92. Martin,	Caleb Knowles -	11,666 3
93. Industry,	Amb. Atkins -	11,443 10
94. Jane,	Jn. Rodgers -	20,496 9
95. Peggy,	Jno. Derby -	14,546 14
96. Genet,	Ephraim Wales	12,668 8
97. Betsy,	Jacob Greenleaf	12,714 9
98. Penelope,	Jn. Bray -	5,457 16
99. Chelse Anne,	Stanton Prentice	5,827 10
100. Betsy,	Neid Reading -	13,390 17 6
101. Washington,	N. B. Ash -	15,966
102. Hope,	Benj. Shillaber	6,988 10
103. Hunter,	Thomas Chipman	8,844

In witness of the foregoing being a true and exact copy of the original deposited in the chancery of
 [L. S.] my office, I have hereunto affixed my name and seal of office, at Paris, this 20th day of November, 1795, and of American Independence, the twentieth.

FULWAR SKIPWITH.

[E]

I JOSIAH HEMPSTED, late master of the brigantine Patty, which with her cargo, were the property of Justus Riley, merchant of Wethersfield in the state of Connecticut, testify and declare, that I sailed in the said brigantine from New London, in the same state, on the 31st day of July last, bound to the island of St. Bartholomews : that on the second day of September following, being in the latitude of seventeen degrees and twenty-four minutes north of the equator, according to my observations, I was captured by a French cruiser called the Iris. Lemoit captain, and carried into Guadaloupe, arriving on the fifth of said September at Basseterre : that on the same day I was taken before

Victor Hugues, whose first words addressed to me were these—"I have confiscated your vessel and cargo, you damned rascal," doubling his fist and running it close to my face ; and he continued talking for some time, reviling the government and people of the United States ; that on the 8th of September I applied to Victor Hugues to be informed, when my vessel and cargo were to be tried ; and he answered, that they had been already tried, and I might go about my business. I then requested a paper to produce to my owner as evidence of the capture and condemnation of his vessel and cargo, which was granted ; that I twice applied to Victor Hugues to allow me something to enable myself and people to leave the island ; but could obtain nothing.

I further certify, that the sloop Lucy, George Gilbert master, belonging to Norwich in Connecticut, was carried into Basseterre on the same day with the brigantine Patty, and with her cargo was condemned without the examination of a single paper, which remained in the hands of captain Gilbert till after sentence of condemnation had been pronounced : nay when I took into my hands captain Gilbert's orders from his owners and attempted to read them in the hearing of Victor Hugues, he would not hear them. The next day the same orders were carried to the linguister, to present to Victor Hugues ; but in the afternoon the linguister brought them back to captain Gilbert, saying that Victor Hugues would not receive them. The orders showed that captain Gilbert was to perform a voyage to St. Croix, with liberty to touch at St. Bartholomews ; but was not to deviate from those orders, because the sloop was chartered for those two ports only ; and that insurance was made accordingly.

JOSIAH HEMPSTED.

City of Philadelphia, ss.

On the ninth day of November, Anno Domini 1796, before me Hilary Baker, mayor of the city of Philadelphia, personally appeared the within named Josiah Hempsted, who being duly sworn on the Holy Evangelists of Almighty God, doth solemnly declare and depose, that all and every the facts stated in the within declaration, by him this day before me subscribed are true. In witness whereof, I have hereunto set my hand and seal, the day and year aforesaid.

HILARY BAKER, Mayor. [L. s.]

[F]

TRANSLATION.

EQUALITY.

LIBERTY.

Extract from the Registers of the Special Agency of the Executive Directory to the Windward Islands.

THE special agents of the executive directory to the Windward Islands,

Considering that the laws as well ancient as modern forbid neutrals to carry to the enemy contraband or prohibited merchandises :

Considering, that notwithstanding the complaints of the minister plenipotentiary of the French Republick near the United States of North America, of which he has informed us by his letter of the 2d July, 1796, those states and especially Virginia have fitted out vessels loaded with horses for the English :

Decree, That from this day forward all vessels loaded with merchandises designated by the name of contraband, as arms, instruments, munitions of war of what kind soever, horses and their furniture, shall be stopped by the ships of war and privateers ; to be seized and confiscated for the benefit of the captors.

At Basseterre, Guadaloupe, the 1st August, 1796. Signed on the Register.—

VICTOR HUGUES—LEBAS.

Compared with the Register.

VAUCHELET,
Secretary of the Agency.

To the Senate and House of Representatives of the United States in Congress assembled: The Memorial and Petition of the Subscribers, Citizens of the United States, dwelling in Philadelphia,

Respectfully Showeth,

THAT your memorialists and divers others in the regular course of their trade, in the years 1793, 1794 and 1795. invested very large sums of money in provisions and

other merchandises suited to the West India market, and sent them thither, where many cargoes were sold to the officers of colonial administration of the Republick of France, to be paid for in cash or colonial produce ; many others were taken by force by the said officers from the supercargoes and consignees, at prices arbitrarily fixed by themselves, to be paid for in produce at rates and terms of credit fixed at their pleasure, and that others have been arrested on the high seas, carried into their ports and taken for the use of the Republick without any stipulated price or contract : That your memorialists confidently believe, that the amount of property belonging to the citizens of the United States, thus delivered to and taken by the administrative bodies of the French Republick in the West Indies, exceeds two millions of dollars now in arrear, for which your memorialists and others concerned, have no mode of obtaining payment, satisfaction or redress ; that the usual course is, after taking the cargo by force and duress, to detain the vessels under pretence of paying in produce, until the masters and crew are wearied with idleness, sickness, delay and insult, so as to be willing to return either altogether without payment or with such small portions thereof, as scarcely to pay the freight and charges occasioned by these long delays, whereby in most instances the whole capital has been left behind, and in those instances where a considerable part of the cargo has been paid for in colonial produce, the expenses of demurrage have consumed almost the whole, as by vouchers ready to be laid before the House or a committee thereof, will abundantly appear.

Your memorialists further show, that some of the earliest sufferers among them, applied personally and by memorials, to citizens Genet, Fauchet and Adet, the first and succeeding ministers of the French Republick for redress without obtaining it : they also applied by memorial to the President of the United States, who referred them to the Secretary for the Department of State, whose advice they pursued in committing their claims to James Monroe, Esq. minister plenipotentiary of the United States to the Republick of France, at the time of his embarkation. That although your memorialists are perfectly satisfied that the executive authority of the Union hath done all within its power to procure redress to your memorialists, yet it has not had the desired effect.

Your memorialists further represent, that they had hoped that some arrangement would have been assented to, whereby the debts due from the Republick of France to the citizens of the United States might have been discharged out of the debt due to her from the United States, and under this expectation they exercised patience; but finding that money funded and transferred to an agent of the Republick, all hope from that resource is vanished: your memorialists feel the more concern that while provision has been made by the Executive of the Union for obtaining from other nations a redress for spoliations, committed on their commerce, no measures hitherto adopted have been successful for procuring satisfaction from that nation which the merchants of this have shown so decided an affection to, by supplying their islands with provisions and necessaries at a greater risk than attended any other branch of their trade, supplies that were absolutely necessary to their colonies, and which they could from no other place nor in any other manner be furnished with.

Your memorialists therefore pray that the legislature will take their suffering case into consideration, and afford them such relief and protection as to their wisdom shall seem consistent with right and justice.

Montgomery & Newbolds,	Walter Stewart,
Nathan Field,	David H. Conyngham,
William Ls. Sonntag & Co.	James M'Curach,
John Steinmetz,	Edward Dunant,
William Bell,	Isaac Hazlehurst & Son,
James Yard,	For John Wilcocks,
James Vanuxim,	George Armroyd,
Summerl & Brown.	Nalbro' & John Frazier,
Grubb & Mather,	E. Dutelh & Wachsmuth,
Daniel Vincent Thuun,	James Gamble,
Petit & Bayard,	Amb. Vasse,
Conyngham, Nesbit & Co.	John M'Culloh,
George Davis,	John Rutherford, (<i>capt.</i>)
Nathaniel Lewis & Sons,	Charles Massey,
John Clark,	John Maybin,
Thomas Fitzsimons,	John Gardiner, jun.
Philip Care,	John Savage,
Charles White,	Edward Carrell,
Clement & Tayler,	Maddock, Jackson & Co.
Joseph Brown,	Philip & Thos. Reilly.
John Taggart,	

Department of State, Feb. 27, 1797.

SIR,—I have the honour to enclose the translation of the decree of the special agents of the executive directory of the French Republick, to the Windward Islands, to be annexed to the report made this day to the House of Representatives, by

Your respectful and obedient servant,

T. PICKERING.

The Speaker of the House of

Representatives of the United States.

TRANSLATION.

EQUALITY.

LIBERTY.

DECREE.

The Special Agents of the Executive Directory to the Windward Islands.

CONSIDERING that the ports of the Windward and Leeward Islands, as well as those of Demarara, Essequibo, and Berbice, delivered up to the English, occupied and defended by emigrants, are in a state of regular siege, and not entitled to the same advantages as the ports of the different English colonies, possessed by that power before the war, or to other rights.

Considering that it is against every principle to treat a horde of insurgents, destitute of country, without government, and without a flag, with the same respect as civilized nations preserve towards each other during a war.

Considering that by the authentick acts which are in our possession it is proved that the divers places of the colonies delivered up to the English by the rebel Frenchmen and Batavians no more belong to the British government than la Vendée, in which the English ministry had in like manner mercenary troops under pay,—some regiments clad in the same uniform as those of England: considering that in virtue of the 2d article of the treaty of alliance concluded at Paris on the 6th of February of 1778, between the United States and France, the former power

engaged to defend the American possessions in case of war, and that the government and the commerce of the United States have strangely abused the forbearance of the Republic of France in turning to its injury, the favours granted to them of trading in all the ports of the French colonies.

That by permitting neutral vessels any longer to carry provisions of war and of subsistence to men evidently in state of rebellion, would be to prolong civil war, and the calamities and crimes flowing therefrom—decree as follows.

Art. 1. The ships of the Republic and French privateers are authorized to capture and conduct into the ports of the Republic neutral vessels destined for the Windward and Leeward Islands of America, delivered up to the English, and occupied and defended by the emigrants. These ports are, Martinico, St. Lucie, Tobago, Demarara, Berbice, Essequibo;—

And at the Leeward, Port-au-Prince, St. Marks, l'Archaye and Jeremie.

II. Every armed vessel, having a commission from either of the said ports, shall be reputed a pirate, and the crews adjudged and punished as such.

III. The vessels, and cargoes described in the 1st. and 2d. articles are declared good prize, and shall be sold for the benefit of the captors.

IV. Every captured vessel, which shall have cleared out under the vague denomination of *West Indies* is comprehended in the 1st, and 2d, articles.

V. The decree of the 4th of last Nivose in pursuance of the resolution of the executive directory, of the 14th Messidor 4th year shall be executed till further orders, as far as shall not be contravened by the present decree.

This decree shall be printed, transcribed in the register of the criminal and commercial tribunals, sent to all the French colonial ports, read, published, and posted up, wherever it may be necessary.

It shall be notified officially to the neutral governments of St. Croix, St. Thomas, and St. Bartholomews.

Enjoining the criminal and commercial tribunals of Guadaloupe their delegates in the different French colonies and elsewhere, the rear admiral commandant, on the

West India station and the head of the administration, to aid in executing the present decree, each in his respective department.

Done at Basseterre, island of Guadaloupe, the 13th of Pluviose, 5th year of the French Republick, one and indivisible.

VICTOR HUGUES & LEBAS.

SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO BOTH
HOUSES OF CONGRESS. MAY 16, 1797.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

THE personal inconveniences to the members of the Senate, and of the House of Representatives, in leaving their families and private affairs, at this season of the year, are so obvious, that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe, whose animosities have endangered our tranquillity : but we have still abundant cause of gratitude to the Supreme Dispenser of national blessings for general health and promising seasons ; for domestick and social happiness ; for the rapid progress and ample acquisitions of industry through extensive territories ; for civil, political, and religious liberty. While other states are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws, generally satisfied with the possession of their rights ; neither envying the advantages nor fearing the power of other nations ; solicitous only for the maintenance of order and justice and the preservation of liberty ; increasing daily in their attachment to a system of government, in proportion to their experience of its utility ;

yielding a ready and general obedience to laws flowing from the reason, and resting on the only solid foundation, the affections of the people.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting; but if the tide of our prosperity is full, and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences, with all the skill we possess, and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be necessary or expedient, according to my constitutional duty, the causes and the objects of the present extraordinary session will be explained.

After the President of the United States received information that the French government had expressed serious discontents at some proceedings of the government of these states, said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations as might happily remove the discontents and suspicions of the French government, and vindicate the conduct of the United States.—For this purpose he selected from among his fellow-citizens a character, whose integrity, talents, experience, and services, had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French Republic; being “to maintain that good understanding, which from the commencement of the alliance had subsisted between the two nations; and to efface unfavourable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union:” and his instructions were to the same effect “faithfully to represent the disposition of the government and people of the United States, (their disposition being one) to remove jealousies, and obviate complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately

and injuriously impaired; and to explain the relative interests of both countries, and the real sentiments of his own."

A minister thus specially commissioned, it was expected would have proved the instrument of restoring mutual confidence between the two republicks. The first step of the French government corresponded with that expectation.

A few days before his arrival at Paris, the French minister of foreign relations, informed the American minister, then resident at Paris, of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed; and on the ninth of December, presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence; these were laid before the executive directory. Two days afterwards the minister of foreign relations informed the recalled American minister, that the executive directory had determined not to receive another minister plenipotentiary from the United States, until after the redress of grievances demanded of the American government, and which the French Republick had a right to expect from it. The American minister immediately endeavoured to ascertain, whether by refusing to receive him, it was intended that he should retire from the territories of the French Republick; and verbal answers were given that such was the intention of the directory. For his own justification, he desired a written answer, but obtained none until towards the last of January, when receiving notice, in writing, to quit the territories of the Republick, he proceeded to Amsterdam, where he proposed to wait for instructions from his government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of police; but with becoming firmness he insisted on the protection of the law of nations, due to him as the known minister of a foreign power. You will derive further information from his despatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate differences; and as they can

treat only by ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister, is then the denial of a right ; but the refusal to receive him, until we have acceded to their demands, without discussion, and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign state.

With this conduct of the French government, it will be proper to take into view the publick audience given to the late minister of the United States, on his taking leave of the executive directory. The speech of the president discloses sentiments more alarming than the refusal of a minister ; because more dangerous to our independence and union ; and at the same time studiously marked with indignities towards the government of the United States. It evinces a disposition to separate the people of the United States from the government ; to persuade them that they have different affections, principles and interests from those of their fellow citizens, whom they themselves have chosen to manage their common concerns ; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France, and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence ; and regardless of national honour, character and interest.

I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them ; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten : they have inflicted a wound in the American breast ; it is my sincere desire, however, that it may be healed.—It is my desire, and in this I presume I concur with you, and with our constituents, to preserve peace and friendship with all nations ; and believing that neither the honour nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation, on terms compatible with the rights, duties, interests, and honour of

the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. If we have done injuries, we shall be willing, on conviction, to redress them; and equal measures of justice we have a right to expect from France and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the government has no means of obtaining official information from that country; nevertheless there is reason to believe that the executive directory passed a decree, on the second of March last, contravening, in part, the treaty of amity and commerce of one thousand seven hundred and seventy-eight, injurious to our lawful commerce, and endangering the lives of our citizens.—A copy of this decree will be laid before you.

While we are endeavouring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources of the nation. With a sea coast of near two thousand miles in extent, opening a wide field for fisheries, navigation and commerce, a great portion of our citizens naturally apply their industry and enterprise to these objects. Any serious and permanent injury to commerce, would not fail to produce the most embarrassing disorders; to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, the insults offered to our citizens, and the description of the vessels by which these abuses have been practised. As the sufferings of our mercantile and seafaring citizens, cannot be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity, arising from a supposed inability on our part to afford protection.—To resist

the consequences of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of government. .

A naval power, next to the militia, is the natural defence of the United States: the experience of the last war, would be sufficient to show, that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one state to another, which were then practised. Our sea coasts, from their great extent, are more easily annoyed and more easily defended by a naval force than any other. With all the materials our country abounds; in skill our naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it cannot be formed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage and the danger from pirates, appeared to render the permission proper; yet the restriction has originated solely from a wish to prevent collusions with the powers at war, contravening the act of Congress of June, one thousand seven hundred and ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence, while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations; and at the same time, restrain them from committing acts of hostility against the powers at war. In addition to this voluntary provision for defence, by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force, to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially equipped in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally

to your consideration. If a mode can be devised, by the wisdom of Congress, to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view I think it proper to mention that some of our citizens, resident abroad, have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States ;—such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well known promptitude, ardour, and courage of the people in defence of their country, happily diminish the probability of invasion ; nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal sea ports demands your consideration ; and as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate whether the means of general defence ought not to be increased, by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in a time of universal peace, ought not to be neglected, I recommend to your consideration, a revision of the laws for organising, arming and disciplining the militia, to render that natural and safe defence of the country efficacious.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it, if we can ; yet to effect this separation, early, punctual and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them : It is necessary in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe, which never can be forgotten or neglected. It would not only be against our interest, but it would

be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral, to consult with other nations engaged in the same studies and pursuits : at the same time that measures ought to be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed.

Gentlemen of the House of Representatives, It is particularly your province to consider the state of the publick finances ; and to adopt such measures, respecting them, as exigencies shall be found to require. The preservation of publick credit, the regular extinguishment of the publick debt, and a provision of funds to defray any extraordinary expenses, will of course call for your serious attention. Although the imposition of new burdens cannot be in itself agreeable, yet there is no ground to doubt that the American people will expect from you such measures as their actual engagements, their present security and future interests demand.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,—The present situation of our country imposes an obligation on all the departments of government to adopt an explicit and decided conduct : In my situation, an exposition of the principles by which my administration will be governed, ought not to be omitted.

It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavours have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary ; but to repel, by decided and united councils, insinuations so derogatory to the honour, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

It must not be permitted to be doubted whether the people of the United States will support the government established by their voluntary consent, and appointed by their free choice ; or whether by surrendering themselves to the direction of foreign and domestick factions, in opposition to their own government, they will forfeit the honourable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country, devoted the best part of my life to obtain and support its independence, and constantly witnessed the patriotism, fidelity, and perseverance of my fellow citizens, on the most trying occasions, it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the government has been just and impartial to foreign nations; that those internal regulations which have been established by law, for the preservation of peace, are in their nature proper, and that they have been fairly executed, nothing will ever be done by me to impair the national engagements; to innovate upon principles which have been so deliberately and uprightly established; or to surrender in any manner the rights of the government. To enable me to maintain this declaration, I rely, under God, with entire confidence, on the firm and enlightened support of the national legislature, and upon the virtue and patriotism of my fellow citizens.

JOHN ADAMS.

DOCUMENTS

REFERRED TO IN THE PRESIDENT'S SPEECH TO BOTH HOUSES OF CONGRESS, ON THE SIXTEENTH OF MAY, 1797.

Department of State, May 17, 1797.

SIR,—By the direction of the President of the United States, I have the honour to present the enclosed papers, numbered from 1 to 18, as noted below, to be laid before the House of Representatives. And am, &c.

TIMOTHY PICKERING.

The Speaker of the House of
Representatives of the United States.

No. 1. General Pinckney's letter to the Secretary of State, dated at Paris, December 20th, 1796.

No. 2. Report of Major Mountflorece, to General Pinckney, dated at Paris, December 18th, 1796.

No. 3. Extract of a letter from General Pinckney, to the Secretary of State, dated at Paris, January 6th, 1797.

No. 4. Extract of a letter from General Pinckney, to the Secretary of State, dated at Amsterdam, February 18th, 1797.

No. 5. Extract of a letter from General Pinckney, to the Secretary of State, dated at Amsterdam, March 5th, 1797.

No. 6. Extract of a letter from Major Mountflorenc, to General Pinckney, dated Paris, February 14th, 1797.

No. 7. Extract of a letter from Major Mountflorenc, to General Pinckney, dated Paris, February 21st, 1797.

No. 8. Extract of a letter from General Pinckney, to the Secretary of State, dated Amsterdam, March 8th, 1797.

No. 9. Speech of Mr. Barras, President of the Executive Directory of the French Republick, to Mr. Monroe, December 30th, 1796.

No. 10. Decree of the Executive Directory of the French Republick, dated March 2d, 1797.

No. 11. Extract of a letter from John Quincy Adams, Esq. to the Secretary of State, dated at the Hague, November 4th, 1796.

No. 12. Extract of a letter from the committee of foreign relations of the Batavian National Assembly, to John Quincy Adams, Esquire, dated at the Hague, September 27th, 1796.

No. 13. Extract of a letter from John Quincy Adams, Esq. minister of the United States, at the Hague, to the committee of foreign relations of the Batavian national assembly, dated at the Hague, October 31st, 1796.

No. 14. Extract of a letter from John Quincy Adams, Esq. minister of the United States, at the Hague, to the Secretary of State, dated February 17th, 1797.

No. 15. Extract of a letter from Rufus King, Esq. minister of the United States in London, to the Secretary of State, dated March 12th, 1797.

No. 16. Letter from the Chevalier de Yrujo, envoy extraordinary, and minister plenipotentiary of his Catholick majesty, to the Secretary of State, dated May 6th, 1797.

No. 17. Letter from the Secretary of State, to the Chevalier de Yrujo, the minister of his Catholick majesty to the United States, dated May 17th, 1797.

No. 18. Letter from General Pinckney, to the Secretary of State, dated Paris, February 1st, 1797.

No. I.

Paris, 30th Frimaire, (December 20, 1796.)

DEAR SIR,—We left Bordeaux on the 25th of November, having been detained there until that time; first by the badness of the weather, which prevented the unloading of the baggage, and afterwards by some necessary alterations being made to my carriage, to encounter the bad roads we were threatened with. The roads were even worse than the horrible description we had heard of them, and we broke down twice, and were obliged to get three new wheels, out of four, before we reached this city, which we at length did on the evening of the 5th of December. I here met my secretary major Henry Rutledge, and on the morning of the next day, (December 6) I transmitted by him to Mr. Monroe, his letters of recall, with my compliments, and that I would wait upon him at any hour he would appoint; I received for answer, that Mr. Monroe would see me whenever I pleased. I immediately waited on him, and we had a long conversation on the affairs of America; in which he with a great deal of frankness communicated all the late measures of this government with respect to ours, and of which you must long before this have been apprized, both by Mr. Adet, and the despatches of Mr. Monroe. He also shewed me a letter which he had received from M. de la Croix, the minister of foreign affairs, in the following words:

TRANSLATION.

“The Minister for Foreign Affairs, to Citizen Monroe, Minister Plenipotentiary of the United States. Paris, 12 Frimaire, 5th year of the French Republick.

“CITIZEN MINISTER,—The arrival of Mr. Pinckney at Paris appearing to be near at hand, if it has not already taken place, I conceive that I should communicate to you certain formalities which you are to fulfil on the occasion. The usage is, that the minister recalled and his successor

send to the minister for foreign affairs, a copy of their letters of credence and recall. As I presume your letters of recall have already been sent to you, I request you to communicate them to me as soon as possible.

Greeting and fraternity,

CH. DE LA CROIX."

I told Mr. Monroe that I thought it would be more respectful to the minister to acquaint him with my arrival, and to inform him, that we would wait upon him at any hour he should appoint, with my letters of credence, and his letters of recall. Accordingly Mr. Monroe, in my presence and with my approbation, sent him the following letter :

"The Minister Plenipotentiary of the United States of America, to the Minister of Foreign Affairs of the French Republick. Paris, 6th Dec. 1796, (16 Frimaire,) 21st year of the Independence of the United States of America.

"CITIZEN MINISTER,—I have the honour to inform you, that my successor, Mr. Pinckney, is arrived, and is desirous of waiting upon you, for the purpose of presenting a copy of his letter of credence for the Directoire Executif of the French Republick.—By him I have also received my letter of recall. Permit me, therefore, to request that you will be so obliging as to appoint a time when Mr. Pinckney and myself shall have the honour to attend you for the purpose of presenting you copies of those documents.

Accept the assurance of my respect.

JAMES MONROE."

On Friday morning (Dec. 9th,) I received a letter from Mr. Monroe, informing me, that M. de la Croix had appointed that day, between one and four o'clock, P. M. to receive us. M. De la Croix's letter was conceived in the following terms :

TRANSLATION.

"The Minister for Foreign Affairs, to Citizen Monroe, Minister Plenipotentiary of the United States of America. Paris, 19 Frimaire, 5th year, (Dec. 9, 1796.)"

"CITIZEN MINISTER,—I have received the letter which you did me the honour to write to me, in which you request an interview for citizen Pinckney, designated for your successor, for the purpose of delivering copies of his letters of credence, and your letters of recall. I shall be glad to receive you between the hours of one and four o'clock this afternoon, if convenient to you. I pray you to propose this to citizen Pinckney. Greeting and fraternity.
CH. DE LA CROIX."

Mr. Monroe and myself, with my secretary, major Rutledge, about two o'clock, waited upon M. De la Croix, and I was introduced by Mr. Monroe as the person appointed as his successor. The minister at first received us with great stiffness, but afterwards on our conversing on some general subjects, he unbent and behaved with civility; and on receiving the official copies of our letters of credence and recall, said he would deliver them without delay to the directory. He desired major Rutledge to let him have our names of baptism, and our ages, that cards of hospitality might be made out; which he said were necessary to reside here unmolested. This requisition was immediately complied with, and he promised to send the cards the next morning. When this interview was known, the reports which had been spread abroad before my arrival, of my not being received by the directory, vanished, and the general idea seemed to be that there would be no objection to receive me as minister from America. At 11 o'clock on Monday (Dec. 12th) Mr. Prevost (Mr. Monroe's secretary) called upon me, and told me that Mr. Monroe had just received a letter from M. De la Croix, and desired to know if I had received one.—I said no; he then showed me M. De la Croix's to Mr. Monroe, which was as follows:

TRANSLATION.

“*The Minister for Foreign Affairs to Citizen Monroe, Minister Plenipotentiary of the United States of America. Paris, 21 Frimaire, 5th year of the French Republick one and indivisible.*

“CITIZEN MINISTER,—I hastened to lay before the executive directory, the copies of your letters of recall, and of the letters of credence of Mr. Pinckney, whom the President of the United States has appointed to succeed you, in quality of minister plenipotentiary of the United States near the French Republick. The directory has charged me to notify to you ‘That it will not acknowledge nor receive another minister plenipotentiary from the United States, until after the redress of the grievances demanded of the American government, and which the French Republick has a right to expect from it.’

“I pray you to be persuaded, citizen minister, that this determination having become necessary, allows to subsist between the French Republick and the American people the affection founded upon former benefits and reciprocal interests—an affection which you yourself have taken a pleasure in cultivating by every means in your power.

“Accept, citizen minister, the assurance of my perfect consideration.

CH. DE LA CROIX.”

I waited until the next morning, expecting to receive a notification from M. de la Croix, when not hearing from him I wrote him the following letter :

“CITIZEN MINISTER,—Colonel Monroe has been so good as to communicate to me your letter to him of the 21st Frimaire, wherein you inform him that you had submitted to the executive directory his letters of recall, and my letters of credence as minister plenipotentiary from the United States of America, and that the directory had instructed you to notify to him “qu’il ne reconnoitra et ne recevra plus de ministre plenipotentiaire des Etats Unis jusqu’après le redressement des griefs demandé au gouvernement Americain, et que la Republique Francoise est

en droit d'en attendre."—[that it will not acknowledge nor receive another minister plenipotentiary from the United States, until after the redress of the grievances demanded of the American government, and which the French Republick has a right to expect from it.]—This communication has filled me with real sorrow, as I am thoroughly convinced that the sentiments of America and its government, for they are one, are misunderstood, and that I am not permitted even to attempt to explain them, or, in the terms of my letters of credence, to endeavour "to efface unfavourable impressions, to banish suspicions, and to restore that cordiality which was at once the evidence and pledge of a friendly union." Devoted as I am to the liberty, prosperity, and independence of my own country, the freedom, happiness and perfect establishment of the French Republick have always been dear to me, and to have been instrumental in cementing the good understanding, which from the commencement of their alliance has subsisted between the two nations, would have been the height of my ambition. I most fervently pray that there may be a speedy and candid investigation of those points in which you differ from us, that affection may banish distrust, and that the alliance of the two republicks may be perpetual.

"In your letter to colonel Monroe you do not desire him to make any communication to me, and I am indebted to his politeness for the knowledge I have of the intentions of the directory. I submit to you citizen minister, that as the letters of recall had been received by Mr. Monroe, and official copies of his letters of recall, and my letters of credence, had been delivered to you, that the sentiments of the directory should be communicated by you immediately to me, that I may without delay transmit them as from the executive of this Republick to the government of the United States; and that I may be informed by you, whether it is the intention of the directory, that I should immediately quit the territories of the Republick, or whether I and my family may remain until I hear from my government. As I have not received the cards which in your interview you said I ought to possess in order to enable me to reside here, and that they should be trans-

mitted to me the next morning, I am the more doubtful on this subject than I should otherwise be.

Accept my best respects.

CHARLES C. PINCKNEY."

"Paris, December the 13th, in the 21st year of the Independence of the United States of America."

"*Citizen De la Croix, Minister of Foreign Affairs of the French Republick.*

This letter I sent by major Rutledge, who delivered it to M. De la Croix, and made the following report of what passed between them, which he immediately reduced to writing.

"*Paris 23d Frimaire, (13th December.)*

"I THIS day waited upon M. De la Croix, the minister of Foreign Affairs, at two o'clock, as bearer of a letter from general Pinckney. I was admitted immediately on sending in my name, and delivered the letter. Having informed him from whom it came, and that there was a French translation annexed, he opened it, and proceeded to read the letter in my presence, which, when he had finished, he desired me to return to general Pinckney as his answer,—That the executive directory knew of no minister plenipotentiary from the United States of America, since the presentation of Mr. Monroe's letters of recall, and that the executive directory had charged him to notify to Mr. Monroe, (here he read the quotation contained in the letter) *qu'il ne reconnoitra et ne recevra plus de ministre plenipotentiaire des Etats Unis, jusqu'après le redressement des griefs demandé au gouvernement Americain, et que la republique Francoise est en droit d'en attendre.* Which notification the Directory relied upon Mr. Monroe's imparting to his own government, as well as communicating to general Pinckney. Upon my asking him, if I understood him rightly, he stopped me, by repeating the substance of what I have mentioned, with the alteration when he came to the notification of the word *American* into *Federal*. He then went on to say, that, with respect to the second subject of general Pinckney's letter, he could return no answer until it was laid before the directory: I then suggested to him, the inconveniences to which general

Pinckney was exposed; he replied, that he would take an early opportunity of submitting his letter to the directory, probably the next day. I asked if general Pinckney should expect an answer; he replied, that their intentions should be signified either to himself, or to Mr. Monroe. I then took my leave, and withdrew.

HENRY M. RUTLEDGE."

On the twenty-fifth of Frimaire, (15th of December) about three o'clock in the afternoon, a Mr. Giraudet called on me, and said, he was chief secretary in the department of foreign affairs; that he came on the part of the minister of foreign affairs, to signify to me, that with respect to my letter to him, (which he produced, together with the translation) he could not directly communicate with me on it, as such direct communication would be acknowledging me as minister, when the directory had determined not to receive me; that as to the other part of my letter, relative to remaining here, that he supposed I was acquainted with the laws of France, as they applied to strangers. I told him that I was not acquainted with the local laws of the Republick; he said, that there was a decree, which prevented all foreigners from remaining at Paris without particular permission, which as the directory did not mean to grant to me, of course, the general law would operate. I answered, that I could not conceive the having a direct communication with me would involve the consequences he stated; that if Mr. Monroe had died before my arrival, the information that they would not acknowledge me, must of course have been made to myself: Mr. Monroe having received his letter of recall from our government, could not now act officially any more than if he had ceased to exist; that I was indebted to Mr. Monroe's politeness, for the information I had received, of the intention of the directory not to acknowledge me, but that he had not intended it as an official communication. That with regard to the laws of France relative to strangers, the law which he had cited, did not apply to the requisition of my letter, which was to know, whether it was the intention of the directory that I should quit the territories of the Republick, or whether I might remain here until I should hear from my government. He said, he rather believed that it was the intention that I should

quit the territories of the Republick; but, as it admitted of a doubt, he would mention it to the minister with whom he was to dine, and acquaint me with the result in the evening. I told him, I should be obliged to him, should it be the intention of the directory that I should quit the Republick, to inform me in what time I was to set out, as my baggage was not arrived from Bordeaux; that I meant not to ask any personal favour, but to have the intention of the directory clearly expressed as it related to me in the situation in which I came to France. He said he would, and expressed a regret at being the bearer of disagreeable information, and then departed.—His behaviour and manners were very polite.

In the evening about 8 o'clock, he returned and informed me, that in answer to the doubt which had been entertained in the morning (a doubt which he observed had proceeded from his own inattention to the words of M. De la Croix) the minister could only reply—that he understood the directory to mean the territory of the Republick, and not Paris alone, which was to be quitted;—that as to the time in which it was necessary to depart, the minister could not designate it, but that he would have another communication with the directory, and that their intentions should be made known to me in a more explicit manner upon both points;—that at the same time he must inform me, that in all probability M. De la Croix would not be the organ through which they would be addressed, as the minister of the police general would be the officer under whose department my case would come. I replied, that I apprehended M. De la Croix was the proper organ through which information should come to me, as he knew the capacity in which I had come to France; whereas the minister of police might regard me as a mere stranger, and throw me into confinement;—that it was in the power of the directory to receive me, or not, but they could not divest themselves of the knowledge which they had of the publick character in which I came to France;—that before I arrived M. De la Croix had, on the 12th of Frimaire, written to Mr. Monroe, that as my arrival at Paris might be soon expected, if it had not already taken place, that the custom was for the recalled minister, and his successor, to send, respectively, copies of their letters of credence and recall to the minister of foreign affairs:—that in conse-

quence of this notification, M. De la Croix was informed in writing, on the 16th Frimaire, the morning after my arrival, by Mr. Monroe, that I was arrived as his successor, and was desirous of waiting on him, for the purpose of presenting a copy of my letter of credence for the executive directory of the French Republick ;—that on the 19th of Frimaire, M. De la Croix informed Mr. Monroe by letter, that he would receive us with our letters of credence and recall, between the hours of one and four, if it suited us ;—agreeably to which notification, we waited on him, and I was introduced to him by Mr. Monroe as his successor ;—that we presented official copies of our letters of recall and credence ;—that he promised to lay them before the directory, and also promised that cards of hospitality should be sent to me and major Rutledge, the next morning ;—that M. De la Croix on the 21st Frimaire, wrote to Mr. Monroe, and informed him, “ that he had laid before the directory, the copy of his letters of recall, and of the letters of credence of M. Pinkney, whom the President of the United States had named to succeed him in quality of minister plenipotentiary of the said states near the French Republick.” From all which circumstances, the character with which I was invested, must be apparent both to the directory and to the minister of foreign affairs, and that in that character, I was entitled to the protection of the laws of nations, whether the directory received me or not : If they permitted me to remain until I heard from my government, I was under the protection of those laws : If they ordered me to quit the territories of the Republick, I was still entitled to letters of safe conduct, and passports on my journey out ; that this was the case even with ministers of belligerent powers, much more ought it to apply between us who were at peace. He said, supposing M. De la Croix had been mistaken in having desired my letters of credence, in seeing me, and in his laying those letters of credence before the directory, such mistake of the minister could not be binding on the directory. I replied that it was impossible for me to admit that the minister of foreign affairs had committed a mistake in his official duty ; he was held forth to the world as minister, all his acts must be accredited as performed within the line of his duty and under a competent authority, and that his letter to Mr. Monroe, showed he was desirous that the

established usage should be complied with. He said he did not allege that there was a mistake ; he had only for argument sake, urged a supposition which might be unfounded ; that he would communicate what I mentioned to M. De la Croix ; I desired him at the same time to inform M. De la Croix, that I requested whatever further passed might be in writing, that no mistakes might happen by verbal communication, and that I might know explicitly, what were the intentions of the directory. Since this conversation I have not heard from the directory, or any of the ministers or agents. My situation, as you may easily conceive, is unpleasant, but if I can ultimately render any services to my country, I shall be fully compensated ; at all events, it shall be my study to avoid increasing the discontent of this government, without committing the honour, dignity, and respect due to our own : Should I fail in doing this, or should I err in the measures I pursue to accomplish it, the failing will not be in my zeal, but should be charged to my want of ability ; at present, I think the ground I have taken has puzzled them ; they wish me gone, but they apprehend that it would be too harsh a measure to send off in a peremptory manner, the minister of my country ; though there is no saying what their conduct will ultimately be, as I am informed that they have already sent off thirteen foreign ministers ; and a late emigrant, now here, has assured them, that America is not of greater consequence to them, nor ought to be treated with greater respect than Geneva or Genoa ; those who regards us, as being of some consequence, seem to have taken up an idea, that our government acts upon principles opposed to the real sentiments of a large majority of our people, and they are willing to temporize until the event of the election of President is known, thinking that if one publick character is chosen, he will be attached to the interest of Great Britain, and that if another character is elected, he will be (to use the expression of Du Pont de Nemours in the council of ancients) devoted to the interest of France ; entertaining the humiliating idea, that we are a people divided by party, the mere creatures of foreign influence, and regardless of our national character, honour, and interest. To eradicate this ill-conceived, and unfounded opinion, will be a work of time and labour, so greatly have they been prejudiced by misrepresentation. The reasons that are alleged here for the con-

duct of the present government of this country to us, you have already been apprized of from Mr. Adet and Mr. Monroe; the letter of the 21st Frimaire, from M. De la Croix to Mr. Monroe above recited, shows the distinction which this government attempts to make between the American people and their government; at the same time, major Mount Florence's report to me, which I enclose, shows that the property of the American citizens is not respected in the cases he mentions. I trust that America will show that her sentiments and those of her government, are one, and that she will never suffer any foreign nation to interfere in her concerns, and that an attempt to divide her citizens will be the "signe de ralliement,"* and render them the more united. As much as I am averse to a sea-voyage, I should immediately have sailed for Philadelphia, on knowing the determination of the directory not to acknowledge me, that I might receive personally the instructions of the administration of our government, more particularly at a time when Congress was sitting; but as I am informed, the orders to Mr. Adet were issued about the 19th of August, and that the vessel which carried them sailed from l'Orient about the 7th of September, I thought it probable that new instructions might be forwarded to me before I could arrive in America, and I have therefore determined, if the directory will not suffer me to remain upon the territory of the Republick, until I hear from you, to proceed to Amsterdam, and stay there until I shall receive orders how to act, or whether to return home.

I have seen Mr. Monroe very often since my arrival; his conduct has been open and candid, and I believe he has made me every communication which he thought would be of service to our country. He undoubtedly felt himself hurt at his being superseded, but I am convinced he has not on that account left any thing undone which he thought would promote the objects of my mission. The directory and ministers, had, for some time before they were informed of his removal, treated him with great coolness, but as soon as they heard of his recall, their attentions to him were renewed. Should this government attempt to make any further communications to me, through him, he has

* Signal for rallying.

promised me to inform them that he cannot comply with their desire, as his powers have ceased.

I remain with great respect, &c.

CHARLES COTESWORTH PINCKNEY.

Colonel PICKERING, Secretary of State.

No. II.

Major Mountflorences Report, given in to General Pinckney, the 19th December, 1796.

CONSULAT AMERICAN.

Paris, December 18, 1796.

SIR,—In the absence of Mr. Skipwith, I will endeavour at your desire, to make you a succinct general report of the present situation of our commercial interests in this country, in the best manner that the shortness of the time will admit of.

Since several months, the directory executive has given evident symptoms of displeasure towards our government; which has been generally attributed to the treaty of commerce with Great Britain. In consequence of which, orders have been issued to their cruisers to visit every neutral vessel going in, or coming from an English port, *but these orders are common to the Danish and Swedish vessels as well as to our own.* Numbers of our vessels have been brought into the ports of France by virtue of these orders, and in a subsequent report, I shall have the honour of submitting to you a nominative list of all of them, informing you of the several proceedings respecting each of them—several of them have been already released, some of the cargoes temporarily sequestered, and others now libelled before the tribunals of commerce. During the government of the convention, the committee of publick safety had exclusively the cognizance of all matters respecting prizes or captures at sea; which committee give judgment on the reports of the executive commission of marine; but since the organization of the present constitution, the legislature has passed a law on the 27th of April last, giving power to the tribunals of commerce in every port of France, to take cognizance, in the first instance, of every matter relative to captures at sea; from whose judgments

appeals may be carried before the civil tribunals of the respective departments, and one of the articles of the aforesaid law enacts, that in cases of appeals before the departmental tribunals, should the interests of neutrals be concerned, the commissaries of the executive directory near the tribunals (whose duties are similar to those of our attorneys general,) may, if they see cause, refer the whole proceedings to the minister of justice, to take the opinion of the directory thereon, before judgment be given by the said tribunals. I deemed it necessary, sir, to enter into these particulars in order to elucidate the proceedings which have lately taken place in respect to some of our vessels, captured and libelled. The tribunals of commerce are chiefly composed of merchants, and most of them are directly or indirectly, more or less, interested in the fitting out of privateers, and therefore are often parties concerned in the controversies they are to determine upon.—This happened in the case of captain John Bryant, of Norfolk, in Virginia, which I beg leave to relate to you: captain John Bryant, master of the *Fanny* of Portsmouth, Virginia, lost that vessel at sea, having a sea-letter, which he preserved, and was taken up by the brig *Francis* of Salem, and carried to Spain; from whence he returned to Norfolk, where having received the command of the *Powhattan* of Richmond, he proceeded in her to London, where the said vessel was sold by the owners. He purchased in England, from our consul, Mr. Joshua Johnson, a prize vessel, the *Royal Captain*, and traded with her under the flag of the United States, and made several coasting voyages from one French port to another, his ship's papers having been found regular.—But lately bound from Flushing to Bordeaux, with a cargo belonging to him, he was captured by a privateer from Bologne, and brought into that port. The judges of the tribunal were most of them concerned in the privateer, and of course declared the *Royal Captain* a lawful prize, under pretence that she had no sea-letter. Appeal has been made from that judgment and the case referred to the minister of justice. Mr. Skipwith and myself, waited on the minister and had a long conference with him on the proper construction to be made of the 25th article of the treaty of commerce between the United States and France. The minister having acknowledged the *Royal Captain* and her cargo to be

American property ; but insisting upon its being liable to condemnation, not being furnished with a sea-letter. We urged to him, that the very article of the treaty upon which he founded his opinion, did not specify seizure or confiscation of vessels which should not be provided with sea-letters—that every penal law was to be construed liberally—that the object of the treaty must have been reciprocal benefit for the merchants and commerce of both countries—that the interpretation given by him to that article would operate in a quite opposite manner, and place the merchants of the United States in a worse situation than if there had been no treaty, which most certainly, could never have been the intention of either of the contracting parties; for if there existed no treaty, most undoubtedly, an American vessel being brought into a French port would be immediately released, upon due proof being made of her being American property, and consequently neutral.—Besides, we alleged, that this doctrine had been sanctioned in France since the commencement of hostilities, several hundred of our vessels having visited their ports, and no exception being taken to the want of sea-letters; indeed they have never been heretofore asked for—that the French government had sold a very considerable number of prize vessels to our merchants in payment of supplies by them furnished, or otherwise; some of which had been chartered by the very agents of the government, for sundry voyages, in Europe, all of which had no sea-letters, nor could they ever obtain any before they made a voyage to the United States. All we could obtain from the minister, was his saying, that he would reconsider the matter and take the decision of the directory. Nothing yet has transpired on this subject; but two days ago, letters from Brest mentioned that the *Diana*, captain Ingraham, from Savannah to Europe, sent into Brest by a French privateer, has been condemned by the tribunal of commerce of that port, and that the only motive for condemnation was the want of a sea-letter. I have wrote to Mr. Barnet, the consular agent at Brest, to instruct the counsellor on the appeal to apply to the commissary of the directory near the tribunal of the department, to have the matter referred to the minister of justice. Should the directory, sir, decide this important question upon the construction of the 25th article, in the same man-

ner as the tribunals of commerce have done, it would be very alarming to our trade, as we have a vast number of vessels in that predicament, many of which are now in the several ports of France. As to the several claims of the American citizens against the French government, for supplies furnished here and in the West Indies, spoliations, embargoes at Bordeaux, and at Brest and other ports, indemnities for illegal captures and detention of our vessels, freights of vessels chartered by the French agents in the United States, drafts of the colonial administrations upon the national treasury, delegations of the said administrations on the ministers of France near the United States; nothing can be done with them for the moment: but this suspension is common to all the claimants of other neutral nations, as likewise to the French creditors, for indeed the embarrassment of their finances is such, that many of the officers of government cannot obtain the payment of the arrears due to them. I deem it also my duty, sir, to inform you that a foreign built sloop, the Nancy, captain Berry, having been detained at Calais by the customhouse officers of that port, the tribunal of commerce ordered her to be released, provided, the minister of the United States near the French Republick, would countersign her ship's papers. Having at this moment no minister acknowledged by the French Republick, captain Berry writing a very pressing letter to be able to comply with the orders of the aforesaid tribunal, which orders are conformable to a late regulation of the directory, I have waited on the minister of foreign relations, to submit the difficulty we labour under in that respect, and shall have the honour of communicating to you his answer, when it shall be given.

With great respect, &c.

J. C. MOUNTFLORENCE.

Major General Pinckney, Minister Plenipotentiary
of the United States of America, Paris.

A true copy,

HENRY M. RUTLEDGE, Secretary.

No. III.

Extract of a Letter from General Pinckney, to the Secretary of State, Paris, January 6, 1797.

DEAR SIR,—The cessation of Mr. Monroe's functions, and the dormancy of mine in this country, have been attended with many inconveniences to our fellow citizens; among others, the difficulty of obtaining passports to come from the out ports to Paris, and to go from Paris out of the Republick, were complained of; and I conceived it my duty, though not acknowledged by this government, to endeavour to remedy this grievance; for to our countrymen arriving here from the territories of a power at war with the Republick, it was really so, as they were put into confinement on their arrival at the port, unless they could give security for their good behaviour until they could obtain passports from our minister at Paris—which passports were countersigned by the minister of foreign affairs; and present circumstances did not even admit of these dilatory passports: I therefore requested my Secretary, major Henry Rutledge, to wait upon M. De la Croix on this subject, and desired him at the same time, to obtain from him, unofficially, an account of what the directory had resolved, with regard to the points concerning my residence, which Mr. Giraudet had informed me M. De la Croix would submit to their determination.—Major Rutledge waited upon M. De la Croix, and made me the following report.

“ Paris, December 26, 1796.

“I THIS day, at twelve o'clock, called upon the minister of foreign affairs, and being admitted after waiting some little time, I informed him, that I came on the part of general Pinckney, who had desired me to say, that although he had not the honour to address him in an official capacity, yet his feelings would not excuse him from communicating an article of intelligence, in which the humanity of both nations was interested—it was upon the subject of such of our citizens as had of late arrived in the different ports of France. That in conformity to the regula-

tions of the police, all foreigners upon their arrival on the territories of the Republick, were arrested and put into confinement, until they had obtained from the ministers of their respective countries, near the Republick, a passport countersigned by the minister of foreign affairs. That the circumstance of having no minister acknowledged by the French Republick, had thrown the American citizens into a predicament which had rendered them incapable of complying with the accustomed forms. That the consequence was, their having remained for some time past in prison, which at the present season, was a situation from which they could not be too soon released, it was, therefore, to know in what manner to answer their various applications, and to be informed, to what authority he should refer them for relief, that general Pinckney had at this moment taken the liberty to trouble him. The minister replied, that an *arreté* had been made on the subject, and that in future all petitions for passports on behalf of the American citizens, should be addressed to the minister of the police général. That he would, however, charge himself with any that general Pinckney might have at that moment by him, if he preferred the channel of his department. I thanked him for his politeness, and made a motion to go, but stopped and asked him if he had heard any thing further from the directory, as to their intentions respecting general Pinckney's remaining where he was. He answered, with marks of great surprise, that he thought he had already explained himself with sufficient clearness on the subject—that he had signified to general Pinckney, long since, the impossibility of his staying—that he thought he had exercised much 'condescendance,' in having been so long silent; which he had been induced to do, by general Pinckney's having complained of the delay of his baggage, which he supposed must by this time have arrived from Bordeaux,—that in short, he should be sorry if his further stay should compel him to give information to the minister of the police. To this I replied, that if he would permit me, I should recall his recollection to the communication which he had been pleased to make to general Pinckney, through his secretary, Mr. Giraudet: that that gentleman had called on general Pinckney, and had very clearly expressed the wishes of the directory, in answer to a letter which he had written to the minister of foreign

affairs requesting to know their will—which desire was, that general Pinckney should consider himself in the light of any common stranger to whom a card of hospitality was refused, and who was compelled by the laws respecting foreigners, to withdraw from the territories of the Republic. That general Pinckney had refused to regard himself in any other light than the one in which he had entered France, which had not been in a private capacity, but in a public character; which circumstance had been officially announced to the directory, by his having delivered to the minister of foreign affairs a copy of his letters of credence and by other acts.—That this precluded all laws relative to strangers from operating on him, and put him under the protection of the law of nations, which he claimed in his favour.—That Mr. Giraudet had taken leave with a promise to communicate to the minister of foreign affairs the ground which general Pinckney had taken.—That he returned again in the evening, and then said, that the minister would again lay general Pinckney's letter before the directory, and that their intentions should be made known to him as soon as possible.—All this had, no doubt, been faithfully related to him by his secretary. He answered, that general Pinckney must have mistaken Mr. Giraudet, as to his intention of again laying his letter before the directory. I told him that it was impossible, for that I had been present at both conversations, in which the material points had passed in English, and been repeated in French. He then said, Mr. Giraudet had acted without his authority. I replied, that general Pinckney had, however, waited until this moment in expectation of hearing from him, agreeably to Mr. Giraudet's promise;—that he was very far from intending to dispute the will of the executive directory; what he wanted was a communication of their wishes in *writing*. He said that it had already been given. I desired to know when—he answered, in the notification which he had made, by their order, to Mr. Monroe; that it had contained their sentiments on Mr. Pinckney's staying, in as much as that his not being received, implied that he should depart. I denied that it was a fair deduction—he insisted that it was—I declared that it had not struck the general or any person with whom he had conversed; but that however if such was the construction which he had put upon it, I flattered

myself that he could have no objection to throwing his idea upon paper, that general Pinckney might have something more substantial than the authenticity of the *word* of his secretary, to justify himself to his own government for quitting a spot to which he had come in obedience to their orders. The minister here turned from me with some warmth, and said that he should do no such thing—that general Pinckney might make his own deductions,—he desired to have no more communications with him. I only replied by a bow, satisfied to end a conversation which had already lasted near half an hour ; during which I had not been admitted to the honour of a seat.

HENRY M. RUTLEDGE.”

This behaviour of M. De la Croix's did not induce me to alter my conduct ; I considered that I was at the post where my duty required me to remain until I received orders from my government how to conduct myself, or till this government should give me a written mandate to depart, or send me passports as a minister of my country whom they would not suffer to remain here ; or would do some unequivocal act respecting me, as would justify me in going. M. De la Croix's conversation with major Rutledge I did not deem such,—I have therefore staid ; though notwithstanding the inclemency of a journey for my family, at this season of the year, to Amsterdam, it would have been more agreeable to me to have gone away than to have remained here in this situation. This interview, however, prevented me, until three days ago, from changing my lodgings, which were very expensive and inconvenient ; when not receiving any further intimation to depart, I changed them, and have not yet heard from M. De la Croix. When I was sending away the triplicate and quadruplicate of No. 2, the speech of M. Barras, president of the directory, to Mr. Monroe, appeared, I therefore transmitted it to you in those enclosures. I need not comment on so strange a composition ; it however evinces the disposition of the directors of this country towards us, and the system which they have adopted, by endeavouring to persuade our countrymen that they can have a different interest from their fellow citizens, whom themselves have chosen to manage their joint concerns,

One circumstance, however, attending this speech, you ought not to be unacquainted with : Mr. Monroe assures me that the directory were not acquainted with a syllable contained in the valedictory address he delivered, till the moment he pronounced it ; and that as soon as he finished, president Barras read his own speech. Of course, the speech of M. Barras was not an answer to Mr. Monroe's specifick harangue ; but was an answer to every speech which, on that occasion, could possibly have been made. This anecdote does not make the present sentiments and views of the directory, respecting our country, less evident.

Whatever the decision of this country may prove with regard to me, be assured that I shall endeavour to behave in such a manner as shall neither injure nor compromit the respect due to our own ; and that no personal slights can prevent me from most earnestly praying, that the independence and liberty of France may be firmly secured by a speedy and honourable peace.

No. IV.

Extract of a Letter from General Pinckney, to the Secretary of State, dated Amsterdam, Feb. 18, 1797.

[No. 7.]

DEAR SIR,—I arrived here last night, after an expensive and tedious journey, through some very bad roads, from Paris. My letter No. 6, of which I forwarded to you quadruplicates from that city, will inform you that the day after accounts were received of Buonaparte's successes in Italy, Mr. Delacroix gave me, by direction of the executive directory, official notice *in writing* to quit the territories of the French Republick : as this was complying with what I had declared to be a requisite preliminary to my departure, I did not think it proper to remain longer at Paris than was necessary to prepare for my journey ; and having received the customary passports for this city, I set out with my family and secretary on the 5th instant. I shall remain here, or in some part of the United Provinces, till I receive directions from you how to act. I regret that my mission to Europe, at the same time that it has been very unpleasant to myself, should be both expensive and unprofitable to my country ; could I be of

any service, I should disregard personal inconvenience; and the idea of benefitting my country would soften the asperities of a situation rendered particularly disagreeable by the conduct of a government with whom we wish to be on the most amicable terms, and yet who disregards and annihilates the usual mode of conciliatory explanation established between independent nations. Mr. Giraudet, the chief secretary in the department of foreign affairs at Paris, mentioned to major Rutledge a few days before I left Paris, that as we were not going far, he hoped he should soon see us return. This I imagine was only the language of politeness; it certainly was not spoken officially, and I have not the least idea that I shall receive any invitation from France; though I ardently wish for a return of the good sense and good humour of that Republick.

Note.—The letters No. 5, and No. 6, from general Pinckney, have not yet come to hand.

T. PICKERING.

No. V.

Extract of a Letter from General C. C. Pinckney, to the Secretary of State, dated Amsterdam, March 5, 1797.

“SOME time before I left Paris, I was informed that the directory had requested the Dutch to join them in treating neutral vessels in the same manner as by their decree in Messidor, they had determined to treat them.—As I did not obtain this information from a source that I could depend on, I did not trouble you with it; but I have since had reason to believe that it was either true, or the Dutch were apprehensive such requisition would be made; for I have just received intelligence, which I am persuaded I may rely on, that the Dutch have informed the directory, that it would be exceedingly prejudicial to them to join in so hostile a measure, for that they would thereby lose the friendship and trade of America, which (considering their commercial losses) were of extensive benefit to them, and they would be deprived of the means of affording the French those aids which their commerce enabled them to do. In these reasons, my information adds, the French have acquiesced, and there is now no apprehension that

our commerce will be molested by the Dutch. If the French had not consented to this, there is little doubt but the Dutch would have been obliged to have treated us as the French do, for there are 25,000 French troops in Batavia, and it is here no secret, that they can direct what measures they please.

I transmit you extracts of major Mountflorencé's letters to me of the 14th and 21st of February, relative to the infamous conduct of some of our countrymen, (I blush to call them so) in fitting out privateers under French colours, and plundering our fellow citizens. Something energetick, I trust, will be done by our government with respect to these unprincipled marauders."

No. VI.

Extract of a Letter from Major Mountflorencé to General Pinckney, dated Paris, February 14, 1797.

A LETTER from Mr. Barnet, our consular agent at Brest, under date of the third instant, informs me that a French privateer, owned by captain Cowel, a citizen native of the United States, and formerly master of the *Jane*, has captured lately two of our vessels, and sent them to L'Orient, one of them is a ship of four hundred tons, belonging to Boston, and bound from New Orleans to London, the other is a brig from Baltimore to London, with a very rich cargo of sugar, cotton, &c. Another letter of the said agent of the seventh informs me, that though he is certain that these two vessels and their cargoes are American property, yet it is generally believed that by the intrigues of the aforesaid capt. Cowel, and of a certain capt. Benjamin Lewis of Marblehead, that the whole will be condemned. I blush when I think on the conduct of some of our countrymen in this country, not satisfied with violating the laws of the United States respecting our neutrality, but arming vessels under French colours to plunder their co-citizens. Besides, sir, I have it from good authority, that those Americans who are interested in fitting out privateers, are constantly teasing this government with applications for more severe orders to cruise against our vessels, and it is really our own countrymen who endeavour to irritate matters between us. The same agent informs me that a large

number of our sailors, found on board of English vessels, are now detained as prisoners of war at Brest. I had formerly recommended to that officer to use all his endeavours to procure the release of such as he should be satisfied were really Americans, and that he has done, but his last letter mentions, that the minister of the marine has lately given orders not to release any more of the citizens of the United States, who may be taken on board British vessels. A new embargo was laid on the seventh instant at Brest, which is the third since general Hoche's expedition.

No. VII.

Extract of a Letter from Major Mountflorencia to General Pinckney, dated Paris, February 21, 1797.

WITHOUT any of your favours to answer, it is my duty to inform you, that a letter from Mr. Vail, our consular agent at L'Orient, under date of the twelfth instant, informs that the American ships Hope, captain Rogers, and Antelope, of Boston, capt. Benjamin Hilton, captured by the privateer Hardy, captain Cowel, (the man I mentioned in my last) and carried into L'Orient, are now libelled, and the only reason upon which this American captor grounds his claim, is that the seamen's articles are not countersigned by an American publick officer; I cannot find that the laws of the United States require that formality, and the truth is that not an American vessel in an hundred has the seamen's articles countersigned in that manner, but Cowel's attorney pretends that an antiquated, an *obsolete ordonnance* of France of the year 1750 authorizes all ships of war to arrest such vessels, as have them not, as pirates. The tribunal of commerce has refused pronouncing in this question till they receive instructions from the executive, having written on the subject to the three ministers of justice, marine and foreign relations, and I am going to do the same, but my application will be signed by Mr. Skipwith. Mr. Vail further adds with much truth, "the American commerce very much depends upon the fate of these two vessels, and the hopes of the privateers are placed greatly on these vessels being condemned," and in another

place he writes, that most of the privateers are owned or commanded by Americans, who create these difficulties.

Another letter from Mr. Le Baron fils, our consular agent at Dieppe, informs that the American ship Hare of New York, captain Nathan Haley, of the burden of two hundred and eighty tons, has been sent into Dieppe, on the seventeenth instant, having been captured by a French privateer. These captures alarm very much our traders. If this government sanctions the doctrine held out at the tribunal at L'Orient, it would be tantamount to a state of warfare, as almost every vessel we have now in Europe are in that predicament.

J. C. MOUNTFLORENCE.

Major General Pinckney.

A true copy, HENRY M. RUTLEDGE.

No. VIII.

Extract of a Letter from General Pinckney to the Secretary of State, dated Amsterdam, March 8, 1797.

I HAVE just received intelligence from major Mountflorencia, that the tribunal-civil of the department of the Pas de Calais has confirmed the judgment of the tribunal of commerce, condemning as lawful prize the American vessel, Royal Captain, John Bryant master and owner, for want of a sea-letter. I understand that it is a captain Nathan Haley, an American, who commanded the privateer under French colours, which captured and carried into Dieppe the seventeenth ultimo, the American ship Hare, commanded by a name-sake and cousin of his bound from England to New York with a cargo, it is said, of fifty thousand pounds sterling. Mr. Barnet, our consular agent at Brest, informs me, that several citizens of the United States who were captured in British vessels, on board of whom they had been pressed, are at present confined in the prisons of that place as prisoners of war, and suffer much by close confinement and bad provisions, and that all his solicitations in their behalf, since the latter end of January, have been in vain. These injurious acts to our countrymen and trade are exceedingly distressing, nor can it be said when they will cease. It is thought by

many, and I believe justly, that the election of their new third will determine France either to conciliation or avowed hostilities; as much as I wish for the former, I wish the measures of our government will be dispassionate and candid, but firm. Mean submissions are generally returned with contempt and renewed oppression.

No. IX.

TRANSLATION.

To Mr. Monroe's Valedictory Address to the Executive Directory, the President replied—

MR. MINISTER Plenipotentiary of the United States of America,

By presenting to day your letters of recall to the executive directory, you give to Europe a very strange spectacle.

France, rich in her liberty, surrounded by a train of victories, strong in the esteem of her allies, will not abase herself by calculating the consequences of the condescension of the American government to the suggestions of her former tyrants—moreover the French Republick hopes that the successors of Columbus, Ramhiph* and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh, in their wisdom, the magnanimous benevolence of the French people with the crafty caresses of certain perfidious persons who meditate bringing them back to their former slavery. Assure the good American people, sir, that like them we adore liberty; that they will always have our esteem, and that they will find in the French people republican generosity, which knows how to grant peace, as it does to cause its sovereignty to be respected.

As to you, Mr. minister plenipotentiary, you have combated for principles, you have known the true interests of your country—depart with our regret. In you we give up a representative to America, and retain the remembrance of the citizen whose personal qualities did honour to that title.

[* Probably intended for Raleigh.]

No. X.

Decree of the Executive Directory. March 2, 1797.

THE executive directory having consulted the law of the ninth of March, 1793, considering that the flags of neutral powers being no longer respected by the enemies of the French Republick, and all the rights of men being violated to their prejudice, it is no longer permitted to the French people towards those powers, in general, that wish which they have so often manifested, and which they will constantly entertain for the full and entire freedom of commerce and navigation, directs, among other dispositions,—

I. That ships of war and privateers may stop and bring into the ports of the Republick neutral ships, which shall be charged in whole or in part with merchandise belonging to the enemy.

II. That merchandise belonging to the enemy shall be declared good and lawful prizes, and be confiscated to the profit of the captors.

III. That in all cases, neutral ships shall be released the moment that the merchandise seized is discharged; that the freight of it shall be paid at the rate which shall have been stipulated by the consigners; and that a just indemnity shall be granted, on account of their detention, by the tribunals competent to decide on the validity of prizes.

IV. That these tribunals shall be directed besides to send, three days after the decision, a double inventory of the merchandise to the minister of marine, and another to the minister for foreign affairs.

V. That the present law, applicable to all the captures that have been made since the declaration of war, shall cease to have effect as soon as the enemy shall have declared non-seizable, although destined for the ports of the Republick, the merchandise laden on board neutral ships, which shall belong to the government or to French citizens.

Having seen the law of the 27th of July, 1793, which directs the foregoing law to be fully executed, having also seen the seventh article of the law of the thirteenth Nivose, third year, which enjoins all the agents of the Republick to respect and observe, in all their dispositions, the treaties

which unite France to the neutral powers of the continent, and to the United States of America; considering that this last is not derogatory to the law of the ninth of May, 1793, resolves as follows :

Art. 1. The commissaries of the executive directory, with the civil tribunals of the department, shall take care that, in the contests upon the validity of maritime prizes, no decision shall be founded upon the seventh article of the law of the thirteenth Nivose, without the minister of justice having been previously consulted, conformably to the third article of the law of the eighth Floreal, fourth year, relative to the treaties, in virtue of which neutral persons pretend to withdraw themselves, by means of the first of these laws, from the execution of that of the ninth of March, 1793.

II. The minister of justice shall examine whether the treaties still subsist, or whether they have been modified since the conclusion of them;—there shall be furnished to them, by the minister of foreign affairs, all the documents of which they shall stand in need, and reference shall be made to the executive directory, as it is prescribed by the law of the eighth Floreal, fourth year.

III. The directory remind all the French citizens, that the treaty concluded on the sixth of February, 1778, between France and the United States, has been, on the terms of the second article, modified of full right by that which has been concluded at London, on the nineteenth of November, 1794, between the United States of America and England: in consequence,

I. After the article seventeen of the treaty of London, of the nineteenth of November, 1794, all merchandise of the enemy's, of merchandise not sufficiently ascertained to be neutral, conveyed under American flags, shall be confiscated; but the ship on board of which such merchandise shall be found shall be released, and given to the proprietor. The commissaries of the directory are enjoined to accelerate, by all means in their power, the decision of the contests which shall arise, either upon the validity of the captures or the cargoes, or upon freights and insurances.

II. According to the eighteenth article of the treaty of London, dated the nineteenth of November, 1794, relative to articles declared contraband by the twenty-fourth arti-

cle of the treaty, dated February sixth, 1778, are added the following :—

Ship timber ; oakum, pitch, and rosin ; copper for sheathing vessels ; sails, hemp, and cordage ; and every thing which serves directly or indirectly, to the arming and equipping of vessels, excepting bar iron, and fir in planks. These articles shall be confiscated as often as they shall be destined, or attempted to be carried to the enemy.

III. According to the first article of the treaty of London, of the above date, every American, who shall hold a commission from the enemies of France, as well as every seaman of that nation, composing the crew of the ships and vessels, shall, by this fact alone be declared piratical, and treated as such, without suffering the party to establish that the act was the consequence of threats or violence.

IV. In pursuance of the law of the fourteenth of February, 1793, the regulations of the twenty-first of October, 1744, and of the 28th of July, 1778, respecting the manning of vessels and neutral merchandise, shall be complied with, according to their form and tenour.

Every American ship shall therefore be deemed a lawful prize, which shall not have on board a bill of lading in due form, according to the plan annexed to the treaty of the sixth of February, 1778, the execution of which is enjoined by the twenty-fifth and twenty-seventh articles of that treaty.

V. The commissaries of the executive directory are required to carry into effect the penalties that attach on all clandestine attempts that may be made by American or vessels belonging to any other nation to pass as neutral, on board the vessel where the fraud is attempted to be practised, in the manner that these penalties have been repeatedly carried into effect during the present war. The penalty shall attach where the blanks in the consignments and invoices are not filled up, though signed and sealed ; where the papers are in the form of letters, containing fictitious signatures ; where are double passports or policies, specifying different destinations, where consignment is made to two or more factors, and where there are different receipts or papers of any kind which consign the whole or part of the same goods, to different owners or different destinations.

vi. By this article provisions of the treaty of the ninth Frimaire last, relative to the freight and insurance, are repealed as far as they apply to insurance.

vii. The present treaty shall be published in the bulletin of the laws. The ministers of marine and of the colonies, of justice, and for foreign affairs, are charged with the execution of it in their respective departments.

REWBELL, Pres.

LEGARDE, Sec. Gen.

No. XI.

Extract of a Letter from John Q. Adams, Esquire, Minister Resident of the United States near the Batavian Republic, to the Secretary of State, dated, The Hague, November 4, 1796.

In the letter from the committee of foreign affairs, a copy of which was enclosed with my last, they have raised pretensions and used expressions upon which I have not thought it necessary to anticipate the opinion which you will form or the notice which you may think proper to take of them. But, as it is possible that the tone and ideas may appear extraordinary, I think it necessary to add a few observations and some particulars of information which will make them more accountable.

The general disposition, even of the patriotick party in this country, favours cordially and sincerely the neutrality of the United States. They have a very substantial reason for this disposition, as they are continually receiving remittances of interests upon their moneys loaned to the United States, and as these are almost the only publick funds upon which the payments are still punctual, they apprehend that the difficulties and the necessities of war might produce a suspension or postponements on the part of the United States similar to those of which many of the belligerent powers have given examples. But at the same time the patriotick party can have no avowed will, different from that which may give satisfaction to the government of France. They feel a dependence so absolute and irremovable upon their good will, that they sacrifice every other inclination, and silence every other interest

when the pleasure of the French government is signified to them, in such a manner as makes an election necessary.

I received not long ago an intimation, that one of the members of the committee of foreign affairs had confidentially communicated to a friend a circumstance which was intended to be kept profoundly secret. It was that the French government had determined to defeat, if possible, the treaty lately concluded between the United States and Great Britain, and had signified to the committee of foreign affairs here their expectation, that they would concur with all their influence towards the same object. The tenour of their letter strongly serves to show the accuracy of the information. The object which the last paragraph of their letter aims at, is not at all equivocal, but in considering the manner in which they urge their proposals, the address with which they pursue their point may be ranged on a level with their logick. After having undertaken formally to justify the condemnation of the Wilmington Packet's cargo, because they concluded it to be French property, they make no difficulty to assume a right to *insist* upon the protection of Batavian property on board of American vessels. They call very loudly upon the United States to go to war with Great Britain, and make a *common cause* with the French and Batavian Republicks. The whole of this singular passage might have excited a stronger sentiment than it did, had I not previously received the intimation mentioned above. Considering their language as dictated by an irresistible external impulse, an excuse for its singularity was derived from the necessities of their situation. In the answer which I have given, therefore, it was my endeavour to avoid every unnecessary discussion, and as far as possible every unpleasant expression. But the inconsistency of their pretensions with their own argument could not be passed without notice. Their oblique insinuation, of treaties formed by the United States militating with that before contracted with this Republick I thought it necessary to repel in the most decided and explicit manner. Their assertion of *numerous services* rendered by their Republick to the American nation authorized the reference in the answer to the reciprocal services and common utility, upon which I conceived the engagements between the two nations to be founded. As

they very clearly hint a wish that the United States should violate some treaty concluded after that with the Batavian republick, and make a common cause with them and France, I thought the honour and dignity of my country and its government required an explicit declaration in answer, that they would inviolably maintain their engagements with all other nations as faithfully as with this. But I did not think it necessary, though it might have been not unfair, to observe that their proposal of a common cause to be made with the French Republick could not be made by them without her concurrence, or that the energy which they would insist upon for the protection of their property in American vessels would be unnecessary if it were efficaciously employed in giving security to the navigation of their own flag. It may be mentioned here, that the American flag is not the only one, for the honour of which these gentlemen have taken so deep and so generous a concern. They sometime since interested themselves in a similar manner, for the honour of the Danish neutrality, until they were given to understand by the count de Bernstorff, that the government of Denmark was the proper judge of its own honour, and was not disposed to listen to their instigations upon its concerns with other nations.

No. XII.

TRANSLATION.

Extract of a Letter from the Commission of Foreign Affairs of the Batavian National Assembly, to the Minister Resident of the United States of America, dated Hague, September 27, 1796.

WE cannot let the present opportunity pass without requesting you to state to your government, how useful it would be to the interests of the inhabitants of the two republicks, that the United States should at last seriously take to heart the numberless insults daily committed on their flag by the English—to represent to them that when circumstances oblige our commerce to confide its interests to the neutral flag of American vessels, it has a just right, to insist that that flag be protected with energy, and that it be not insulted at the expense of a friendly and allied

nation. Deign to recall to the remembrance of the nation of which you are minister, that the numerous services which our Republick has rendered to it, our reciprocal relations, as well as mutual utility, imperiously require that it should cease to view with indifference the manner in which the English act, who carry off with impunity from on board American vessels the property of Batavians. Lead them to perceive that reasons of convenience, treaties concluded subsequent to that with the Batavian republick cannot change or annul a treaty formally concluded and ratified between our two nations, between two nations who have equally suffered from the arrogance and despotism on the seas of proud Albion—in a word, between two nations *who, making common cause with the French Republick*, and governing themselves by the imprescriptible rights of nature and of men, may render to the two hemispheres a peace for which humanity languishes.

No. XIII.

Extract of a Letter from John Quincy Adams, Esquire, Minister Resident of the United States at the Hague, to the Committee of Foreign Relations of the National Batavian Assembly, dated October 31, 1796.

I SHALL not fail to transmit also to the government of the United States the other observations, which you have thought proper to make to me on this occasion. It does not belong to me to judge, with what sentiments it will view that part of your letter, in which you complain of the seizure of Dutch property on board American vessels, when it compares it with the other part where you suppose that the quality, necessary to procure the protection of the American flag for the lading of a vessel, did not exist; because the lading appeared to you to be French property. But you yourself on reflection will, I hope, be convinced that these two claims are not easy to be reconciled.

But I will take upon myself, citizens, to assure you that it is unnecessary to remind the nation, whose minister I have the honour to be, that “reasons of convenience or treaties posterior to that concluded with the Bata-

vian Republick cannot destroy or annul that treaty." I can answer before hand that the government of the United States is perfectly sensible of this truth, and has always conducted itself agreeably to the principles on which it is founded. In all posterior engagements it has reserved to itself the power of fulfilling all prior ones; it will ever fulfil those which reciprocal utility and services have caused it to contract with the Batavian Republick; and while it religiously observes all the obligations of its treaties with other nations, it will in like manner observe all those which you have a right to demand from it.

No. XIV.

Extract of a Letter from John Q. Adams, Esquire, Minister Resident of the United States at the Hague, to the Secretary of State, dated, The Hague, February 17, 1797.

THE neutrality of every other nation is as little respected by the French government, as that of the United States. They have recently proposed to Denmark to shut up the mouth of the Elbe against all British vessels.

No. XV.

Extract of a Letter from Rufus King, Esq. Minister Plenipotentiary of the United States, dated at London, March 12, 1797, and addressed to the Secretary of State.

MR. ADAMS will inform you from the Hague of what is passing in that quarter; but lest his opportunities of writing should be less frequent than mine, it may be proper to state, that I have reason to believe, though the French government assign our treaty with England as the cause of their maritime conduct towards us, that they have recently demanded of Hamburgh and Bremen to suspend all commerce with England. These cities have not yet complied, and the French minister has been recalled from Hamburgh. The same demand has been made at Copenhagen, and the refusal has produced a sharp diplomatic controversy. These powers have made no late treaties with England.

No. XVI.

TRANSLATION.

*Letter from the Minister of Spain to the Secretary of State,
dated May 6, 1797.*

SIR,—The king my master, desirous of drawing closer the connexions of friendship and good correspondence already subsisting between Spain and the United States, concluded with them on the 27th of October, 1795, a treaty dictated by the most generous principles—opening to the Americans the navigation of the Mississippi to the ocean, and ceding to the United States a considerable portion of territory, by agreeing to draw a line of demarcation between the possessions of both parties. Equally animated by the desire of diminishing for humanity the horrors of war, he adopted the liberal principle, *That free ships shall make free goods*. This stipulation was in reality an incalculable advantage for the American citizens, who, by the extension of their navigation, the geographical situation of their country, and the nature of their political connexions at that epocha, promised a neutrality as advantageous as durable. At the same time his majesty agreed by the said treaty, that articles necessary for the construction and repair of vessels should not be deemed contraband. In a word, the concessions on the part of Spain, for cementing a sincere union between both nations were such, that the treaty was received throughout the United States with enthusiasm, and with the most evident marks of general approbation. In these circumstances the king my master, who had so efficaciously advanced the interests of America, promised himself, by the effect of a good correspondence, as sacred among nations as between individuals, that the United States at least would not contribute to the injury of Spain. What should be the surprise* of his majesty on knowing that this country had contracted engagements with England prejudicial to his rights and to the interests of his subjects, nearly at the same time in which, with so much liberality, he was giving to the United States the most striking proofs of the most sincere friendship.

[* admiration.]

Upon the whole, the king my master, well persuaded that England, in her treaty with America, had *surprised* the good faith of the federal government, reserved to himself to make, on a proper opportunity, the necessary representations; not doubting but that the equity of the United States would place Spain, in relation to other powers, upon that footing of equality, without which the neutrality adopted by America would exist only in appearance, and be purely nominal; but experiencing, since the declaration of the war against Great Britain, injuries and evils, which he had foreseen, from the moment he was informed of the English treaty, he finds himself under the necessity of anticipating this step, and therefore has ordered me to make to this government, through you, the following observations:—

By the 15th article of the treaty concluded between his majesty and the United States it is stipulated, that the subjects of the king, and the American citizens, may navigate with their vessels and cargoes freely to all the ports, except such as are declared blockaded, making the neutral flag secure the goods which they may have on board; so that they cannot be seized even though they should belong to an enemy. His majesty hastened with pleasure to adopt a principle so useful to humanity, although for the reasons hinted above it was to operate more advantageously to the American citizens than to his subjects. His majesty ought to have expected, on the part of the American government, dispositions equally friendly, and as their adoption would not prove injurious to those powers who should establish them, that this should form a general rule in all their engagements of a like nature; but unfortunately the 17th article of the English treaty has dissipated this agreeable hope, for it not only permits English vessels to take and carry into port those of America, upon the arbitrary ground of suspicion, but also to take and seize enemy property or merchandise found under the American flag. In short, the principle, *That free ships make free goods*, was then destroyed; and his majesty is reduced to the disadvantageous situation of seeing the property of his subjects seized with impunity, under the safeguard of neutrality, whilst a state of war requires that his squadrons and ships should respect English property on board of American vessels. Can it then be supposed, with good faith, that

the king intended voluntarily to go into a stipulation, the observance of which should require from his subjects nothing but detriment and injury? An adherence to the principle adopted by the king implicitly lead him to a reciprocity complete in all its circumstances.

Nor are the injuries to Spain, arising out of the 18th article of the treaty with Great Britain, less palpable. From it, like the preceding, arise great losses to the American navigation; but the damages which the subjects of the king and his royal service experience are still of much greater consideration. By that article England and the United States agree, that timber for ship-building, tar, rosin, copper in sheets, sails, hemp, cordage, and generally whatever may serve directly to the equipment of vessels, shall be declared contraband. In the 16th article of the treaty with Spain, after enumerating those articles which should be deemed such, it is stipulated, that all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors, wood of all kinds, and all other things proper for the construction and repair of vessels, shall be looked upon as articles of free commerce. What then is the consequence of these contradictory stipulations? Is it not abandoning to England the exclusive commerce of naval stores? And is it not giving her, in a maritime war like the present, a powerful arm, which she uses to the injury of Spain, whilst the latter must suffer from avarice, or the high price of an article to her so absolutely necessary? You will say in reply, that Spain entered voluntarily into these stipulations; but could it ever have been expected, that America would have made, almost at the same moment, such, on her part, as should cause the king my master to repent of his generosity and great beneficence?

In the preamble to the Spanish treaty, its object is said to be for the mutual advantage and reciprocal utility of both countries: I leave you to determine what advantages either Spain or America can derive from the 15th and 16th articles of their treaty, whilst those of the 17th and 18th of the English treaty remain in full force.

Thus far I have represented merely the injury done to the interests of Spain; but I shall now state to you a point in which her rights are essentially concerned;—I mean the navigation of the Mississippi.

The just ground upon which Spain refused to acknowledge the mutual and illegal cession which England made to the United States, in the 8th article of the treaty of 3d September, 1783, of the free navigation of the Mississippi to the ocean ; the necessity in which America has found herself of recurring to a special treaty with Spain for obtaining it, and above all, the tenour of the 4th article of the said treaty, in which it is agreed, that the free navigation of the said river to the ocean belongs *exclusively* to the subjects of the king and to the citizens of the United States, had given his majesty reason to believe that the federal government, by this stipulation, annulled, as illegal, the claim which it had made with England, as to this point, in the 8th article of the treaty of 1783. But his majesty has seen with equal surprise, that the United States not only pretend to confirm that right to England by the 3d article of their commercial treaty, but that they have since the conclusion of that with Spain, in which the navigation of the Mississippi is confined *exclusively* to the Spaniards and Americans, agreed to the explanatory article signed here by yourself and the English chargé des affaires, Mr. Bond, on the 4th of May, 1796, in which it is declared, *That no other stipulation or treaty concluded since by either of the contracting parties with any other power or nation is understood in any manner to derogate from the right to the free communication and commerce guarantied by the 3d article of the treaty to the subjects of his Britannick majesty.*

The king my master finds so much the more difficulty in reconciling this stipulation concerning the navigation of the Mississippi in article 3d of the English treaty, confirmed by the explanatory article of the 4th of May, with the 4th article of that with Spain, as on examining the original right of England, none is found to exist, and the United States alone hold that which Spain ceded in the said article of the treaty with them. In order to convince you of this, let us examine the stipulations of the former treaties—from which I give the following extract.

By the 6th article of the preliminary treaty made on the 3d November, 1762, between France and Great Britain, and by the definitive treaty signed on the 10th of February, 1763, it is stipulated that all that part of Louisiana situated on the east of the Mississippi, excepting New Orleans and its dependencies, should belong to Great Britain.

By the 8th article of the provisional treaty concluded between the United States of America and Great Britain, on the 30th November, 1782, and the definitive treaty signed on the 3d of September, 1783, it is stated, that the navigation of the Mississippi from its source to the ocean shall for ever remain and be free to the subjects of Great Britain and the citizens of the United States.

By the preliminary articles of the treaty concluded between Spain and England, and the definitive treaty signed on the 3d of September, 1783, Great Britain ceded to Spain all East and West Florida, which two provinces were the only territory that that nation had remaining in this part of the continent.

In the 5th article, in which this cession is stipulated, not a single word is said relative to the navigation of the Mississippi, nor do the other articles say any thing on the subject.

When England signed these preliminary articles with the United States of America, in 1782, Great Britain *still held* all the right to East and West Florida, because *then* she had not ceded *for ever* those provinces to Spain, as is proved afterwards by the treaty of 1783, and without the least mention therein of the Mississippi.

Therefore England, having ceded East and West Florida in 1783, and not having reserved the right to the navigation of the Mississippi, of course lost it entirely when she made Spain mistress of the two banks.

The only right which the United States had in the navigation of that river was founded on the stipulations derived from England—But having changed their political existence by the declaration of their independence, and having by this act separated their interests from those of Great Britain, the liberty of navigating the Mississippi did not follow to the United States, but by a special treaty which has just been concluded between Spain and this country.

So far good—How can the United States without the consent of Spain, cede to England the right of navigating the Mississippi which is granted only to themselves? And in virtue of what privilege can the federal government give the navigation of this river to a nation who has renounced all her rights through the medium of solemn trea-

ties, and who not only does not hold a single port, but also does not possess a single inch of land on its banks?

This simple exposition in conjunction with the opinion of all jurists, that the navigation of rivers naturally belongs to him who possesses the two banks, evidently manifests the injury done to the rights of Spain in the 3d article of the English treaty, and the explanatory article signed on the fourth of May, 1796.

The king of Spain, desirous of preserving the best harmony and friendship with this country, as protector of the interests of his subjects, has ordered me to represent to this government what I have just mentioned, and his majesty, relying upon the equity of his demands, hopes that the United States, animated by the same sentiments, will come to a composition, which, without injuring the American citizens, shall assure the happiness of his subjects, and guard the rights of his sovereignty.

I with pleasure embrace this opportunity of renewing my wishes to serve you, and that God may preserve your life many years. Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

TIMOTHY PICKERING, Esq. Secretary of State.

Philadelphia, May 6, 1797.

Faithfully translated from the original, by

GEORGE TAYLOR, JUN.

No. XVII.

Letter from the Secretary of State to the Minister of his Catholic Majesty, dated Department of State, Philadelphia. May 17, 1797.

SIR,—I have the honour to acknowledge the receipt of your letter of the 6th instant, which has been laid before the President of the United States. It contains three subjects of complaint, as arising out of the treaty of amity, commerce and navigation between the United States and Great Britain.

1. That the principle, that *free ships make free goods*, is thereby destroyed; the 17th article not only permitting English vessels to take and carry into port those of America, upon the arbitrary ground of suspicion. but also to

take and seize enemies' property or merchandise found under the American flag.

2. That by the 18th article of that treaty, timber for ship building, tar, rosin, copper in sheets, sails, hemp and cordage, and generally whatever may serve directly to the equipment of vessels, are declared contraband.

3. That by the third article of that treaty, and the explanatory article added thereto, the United States have ceded and confirmed to Great Britain the right of navigating the river Mississippi; a right which you say the United States themselves acquired *only by virtue of their treaty with Spain*.

Your letter also contains various intimations, which, in connexion with these three topicks of complaint, it will be proper for me to notice.

It is very true, that our treaty with Spain was received throughout the United States with satisfaction and general approbation; because it closed a dispute, which had been pending many years between the two countries, by his catholick majesty's acceding to the claims of the United States (which they deemed founded in right) to the free navigation of the Mississippi, from its source to the ocean; and to their southern boundary line as described in the treaty of peace of 1783, between the United States and Great Britain. We were also satisfied with the engagement of his catholick majesty to compensate our mercantile citizens for the losses they had sustained, by the capture of their vessels and cargoes by the subjects of his majesty, during the late war between Spain and France. All these were acts of substantial justice, which were necessarily approved by every upright mind. All the other stipulations of the treaty between the United States and his catholick majesty were wholly voluntary, and perfectly reciprocal; so that neither of the two contracting parties could say, that they had granted or received a favour. I make this observation, because of the numerous intimations in your letter, that by these other stipulations, benefits and advantages had been granted by his catholick majesty to the United States, without receiving from them any equivalent: intimations for which we see no foundation. To instance in the articles which constitute the two first subjects of your complaint.

1. *Free ships shall make free goods.* It is impossible that the two contracting parties should ever have conceived that this rule, as between themselves, could have any operation, except when one was at war and the other at peace. The United States, being in the latter situation, have a right to carry in their vessels goods of the enemies of Spain, without being liable, on that account, to capture. On the other hand, if the United States were at war, and Spain at peace, her subjects would have a right to transport in their vessels the goods of our enemies, free from capture by the armed vessels of the United States. And thus this stipulation is exactly equal on both sides.

2. *Ship timber and naval stores are, by the law of nations, contraband of war:* but the United States and Spain, for their mutual benefit, agreed to consider them as *free goods*, in order that either party remaining at peace might safely continue its commerce in those articles, even by carrying them to the enemies of the other. And thus this rule will operate equally, like the former.

You compare the liberal stipulations in these two articles with those of a contrary nature in the treaty between the United States and Great Britain; and ask, what should be the surprise* of his catholick majesty on knowing of the latter engagements?—After remarking, that, if those stipulations were liberal on the part of Spain, they were alike liberal on the part of the United States—seeing they were perfectly reciprocal;—permit me to say, that the engagements with Great Britain do not appear to offer any cause for “surprise” on the part of his catholick majesty: because his majesty had seen, during the whole course of the American war, how steadily Great Britain persisted, in opposition to the demands of all the maritime powers, to maintain her claims under the law of nations, *to capture enemies property, and timber, and naval stores, as contraband, in neutral ships.* His majesty had also seen in the present war, in which he was for a time a party with Great Britain against France, that Great Britain continued to avow and practise upon the same principles. And with such a perfect knowledge of the principles and conduct of Great Britain, and while she was still engaged in the war with a power, which she

[*admiracion.]

strenuously endeavoured to deprive of timber and naval stores, and whose mercantile shipping was greatly reduced,—could his catholick majesty expect that Great Britain would relinquish her legal rights to a nation (the United States) which abounded in materials for building and equipping ships, and whose vessels adapted to the carrying trade traversed every sea and visited every quarter of the globe?—You seem to imagine there is the more reason for “surprise,” because, as you say, the engagements between the United States and Great Britain were contracted “nearly at the same time”—“almost at the same moment”—with our stipulations with his catholick majesty :—but allow me to bring to your recollection the periods when these different treaties were formed. That with Great Britain was concluded on the 19th day of November, 1794 : that with Spain, on the 27th of October, 1795.—Further, the treaty with Great Britain was published in Philadelphia, on the first day of July, 1795 : almost four months before the treaty with his catholick majesty was concluded ; and nearly ten months before it received his ratification, at which time (Spain and the United States being then at peace with all the world) it does not appear that his catholick majesty found the smallest difficulty, in giving his final sanction to his treaty with the United States, on account of their prior treaty with Great Britain. Moreover, Mr. Thomas Pinckney, who negotiated the treaty with Spain, being privy to the whole negotiation with Great Britain, and perfectly acquainted with every article of the British treaty, it is hardly to be doubted, that he communicated to the Prince of Peace every information concerning it which had any relation to his negotiation with Spain. The mode of proceeding in the cases of captures of American vessels is precisely the same in both treaties, and the most material expressions in the 7th article of the British treaty are copied into the 21st of the treaty with Spain.

I am now to consider your third complaint—That relating to the navigation of the Mississippi.

You enter into an examination of the right of the United States to this navigation ; and draw this conclusion, that their right is derived *solely from the session of his catholick majesty* by the 4th article of his treaty with the United States. Hence you are induced to ask, “How can the Unit-

ed States, without the consent of Spain, cede to England the right of navigating the Mississippi, which is granted only to themselves?"—If, sir, your statement was correct, there could be no question in the case. If the right of the United States to the navigation of the Mississippi *originated* in their treaty with Spain, which was concluded on the 27th of October, 1795, it requires no argument to prove that they could not have granted the right of that navigation to Great Britain on the 19th of November, 1794.

But I might deny that the United States *ever* granted the right of navigating the Mississippi to Great Britain. A recurrence to the treaties, to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never formally relinquished it. I do not, indeed, conceive the inquiry essential to the subject of your present complaint; but as you have thought fit to go into it, you will allow me to follow you.

By the definitive treaty of peace concluded the 10th of February, 1763, France, then possessed of Louisiana, ceded to Great Britain all her possessions on the east side of the Mississippi, except the town and island of New Orleans. And it was likewise stipulated "That the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole length and breadth, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth." The people of the United States being then subjects of the king of Great Britain, they of course participated in the right of navigating the river Mississippi: and by the 8th article of the provisional treaty between the United States and Great Britain, concluded the 30th of November, 1782, and the definitive treaty of peace concluded the 3d of September, 1783, this right was confirmed; it being therein stipulated, that "the navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States."

By the definitive treaty of peace between Spain and Great Britain, concluded the 3d of September, 1783, the latter ceded to Spain "East Florida, as also West Florida;" but the river Mississippi, as you observe, is not

even mentioned in the treaty. What is the just inference from this circumstance, the United States need not decide. Doubtless Great Britain conceived it important to hold a right to the navigation of it : and all parties, at that time, certainly supposed that parts of her territories joined its eastern side, and probably no one can now say they do not. But however this silence with regard to the navigation of the Mississippi, in the treaty between Spain and Great Britain, may be construed ; whether the latter by not *reserving*, is to be considered as *relinquishing her right to it* ; or by not *expressly relinquishing*, is to be understood *to retain it* ; it is proper to consider the nature and effect of the stipulations on this subject, *between her and the United States*.

When peace was made between the two powers in 1783, both were entitled to the free navigation of the Mississippi ; and both desiring to preserve this right, they mutually stipulated for its continuance : but neither is pledged to maintain it for the other ; though each is bound not to interrupt the other in the exercise of that right. The treaty of London concluded on the 19th of November, 1794, contains, as to this point, no *new grant*, on either side ; but their respective rights are *recognised* ; it being declared, in the 3d article, that “the river Mississippi shall, *according to the treaty of peace*, be entirely open to both parties.” —Had this declaration been wholly omitted, the right of Great Britain to the navigation of the Mississippi would have been neither increased nor diminished. But because the 4th article of the *subsequent* treaty with Spain, excited some apprehensions in Great Britain, that it might countenance an attempt to exclude her from the navigation of the Mississippi, the explanatory article which you mention was formed, declaring, That no stipulations in any treaty subsequently concluded by either party can be understood to derogate from the rights of free intercourse and commerce secured by the said third article to the subjects of his Britannick majesty, and to the citizens of the United States.—The fourth article of our treaty with Spain received its peculiar form with the design that it might not derogate from the prior stipulations of the United States with Great Britain. And this, as I shall presently show you, was perfectly understood by the government of Spain. And let me assure you, that the federal

government no more seeks the excuse, than it merits the imputation, "that England, by her treaty with America, had *surprised* its good faith."

In discussing their respective projects of a treaty, it appears that the Prince of Peace, on the part of Spain, proposed that Mr. Pinckney, on the part of the United States, should enter into a stipulation which would have gone to the exclusion of Great Britain from the navigation of the Mississippi. To this project Mr. Pinckney returned the following answer:—

TRANSLATION.

Extract from the "Notes on the project of a Convention proposed by His Excellency the Prince of Peace, Sept. 25, 1795."

"THE words 'alone' and 'exclusively' should be omitted; for Spain could scarcely confide in the good faith of the United States, or in the convention which she is about to conclude with them, if they agreed to an article which would be an infraction of a treaty previously concluded;—for by the treaty of peace between the United States and Great Britain, concluded in 1783, it is stipulated that the navigation of the river Mississippi shall continue free to the subjects of Great Britain and to the citizens of the United States."

Here, sir, you see that the federal government, far from "giving his catholick majesty (as you suggest) reason to believe that they had annulled, as illegal, the claim which they had made with England, as to this point, in the eighth article of the treaty of 1783,"—expressly declared that the attempt would be a violation of the good faith of the United States pledged to Great Britain in that treaty.

To get rid of the embarrassment, the particular form of expression which we find in the 4th article of the treaty with Spain was adopted. You will observe, sir, that this, like every other treaty, contains, generally, the *joint stipulations* of the contracting parties. Such is the stipulation of the United States and Spain in the beginning of the 4th article: "It is likewise agreed that the western boundary of the United States which separates them from the

Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator.”—Then follows the clause respecting the navigation of the Mississippi. “And *his catholic majesty* has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.” Here Spain is the *sole party* to the *excluding clause*.—And the 21st article of the treaty presents a similar instance of a *joint* and *separate* stipulation. The two contracting parties *jointly* agree on the mode of adjusting the claims of American citizens for the losses they had sustained from the capture of their vessels by the subjects of Spain: and then “*his catholic majesty* undertakes to cause the same to be paid.”—Now it might with as much propriety be affirmed that the *United States* are by this clause bound to contribute (and equally with his catholic majesty) to those payments, as be inferred from the declaration of his catholic majesty *singly*, in the 4th article, relative to the exclusive navigation of the Mississippi, that the United States have thereby engaged to exclude from it the subjects of Great Britain.

The simple fact is, that the United States were contending with Spain for the free navigation of the Mississippi *for themselves*; and by this clause in the 4th article of the treaty their claim was admitted. Any declaration of his catholic majesty *alone*, to exclude other nations, was to them quite immaterial.

Thus, sir, I have answered to all your complaints, and, I hope, satisfactorily. The United States, equally with his catholic majesty, are desirous of preserving the best harmony between the two countries; and the American government will always be disposed to adopt any proper measures for that end.

I have the honour to be, &c.

TIMOTHY PICKERING.

The Chevalier de Yrujo, Envoy Extraordinary
and Minister Plenipotentiary of his Catholic
Majesty to the United States of America.

No. XVIII.

Copy of a Letter from General Pinckney to the Secretary of State, dated Paris, February 1, 1797.

[No. 6.]

DEAR SIR,—The day after I had closed my last of the 24th ultimo, (No. 5) intelligence was received that Buonaparté had obtained a most brilliant victory in Italy,—that he had made twenty-three thousand Austrian prisoners ; killed and wounded six thousand, and had taken sixty pieces of cannon, and twenty-four standards ; and the day after the arrival of this news, the following letter was written to me by Mr. De la Croix :

TRANSLATION.

FOREIGN AFFAIRS.

LIBERTY.

EQUALITY.

The Minister for Foreign Affairs, to Mr. Pinckney, Anglo-American. Paris, the 6th Pluviose, 6th year of the French Republick, one and indivisible.

THE executive directory has charged me to make known to you, that not having obtained special permission to reside at Paris, you are amenable to the law which obliges foreigners to quit the territory of the Republick. I had the honour of informing you near two months ago, by the principal secretary of my department, of the intentions of the government in this respect ; I cannot dispense with notifying you of them to-day.

Receive, sir, &c.

CH. DE LA CROIX.

To which I returned the following answer :

“ To the Minister of Exterior Relations. Paris 7th Pluviose, 1797.

“ CITIZEN MINISTER,—I did not receive until three o'clock to-day, your note in date of the 6th instant, informing me that the directory had charged you to acquaint me, that not having obtained particular permission to reside at

Paris, I was subject to the law which obliged strangers to quit the territories of the Republick.—I intimated to you some time since, by the secretary-general of your department, and by major Rutledge, my secretary, that I deemed a notification of this sort, in writing, from you, necessary previous to my departure. Having now received it, I shall without delay prepare to go, and, in the meanwhile, will be obliged to you for the necessary passports for myself and family, with our baggage, to quit the Republick in my way to Holland.

Accept, citizen minister, &c.

CHARLES C. PINCKNEY."

I should have made some observation on being termed Anglo-American, but, on inquiry, I found it was customary to call all my countrymen so, to distinguish us from the inhabitants of St. Domingo, and the other French West India Islands. I have received my passports, and shall, in two days, set out for Amsterdam. I know not what has occasioned this determination of the directory, after having permitted me to remain here so long a time from their refusal to acknowledge me. You will judge whether the answer of the Senate and the House of Representatives to the President's speech, and the late successes in Italy, have not concurred to occasion it. Mr. De la Croix assured major Rutledge, that he acted by the express orders of the directory in this particular, and not from himself.

Your letter of the 26th of November, with the duplicate of your letter of the 5th of the same month (the original of which has not reached me) I received the 29th ultimo, and am happy to find that Mr. Adet's disorganizing manœuvres have been treated by my countrymen in the manner they deserved, and that his attempts to divide has tended to unite them. I most ardently wish, that we would banish all party distinctions and foreign influence; and think and act only as Americans—for all parties in this country unite in thinking that we ought to act as if we were altogether their dependents, and indebted to them solely, and not to our own exertions for our liberty and independence. Hence our treaty with Great Britain is here generally execrated, and our having any kind of commercial connexion with that country, even if the treaty had not been made,

would, I believe, have been disliked. They wish to destroy the trade of Great Britain, and they look upon us as one of her best customers, and to obtain their object they care not what we suffer. I shall write to you again, as soon as I arrive at Amsterdam. Please to direct to me under cover to our bankers there, and be assured I am, &c.

CHARLES C. PINCKNEY.

Colonel Pickering, Secretary }
of the United States. }

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 12, 1797.

I HAVE received information from the commissioner appointed, on the part of the United States, pursuant to the third article of our treaty with Spain, that the running and marking of the boundary line between the colonies of East and West Florida, and the territory of the United States, have been delayed by the officers of his catholick majesty; and that they have declared their intention to maintain his jurisdiction, and to suspend the withdrawing of his troops from military posts they occupy, within the territory of the United States, until the two governments shall, by negotiation, have settled the meaning of the second article respecting the withdrawing of the troops, garrisons or settlements of either party in the territory of the other; that is, whether, when the Spanish garrisons withdraw, they are to leave the works standing, or to demolish them; and until, by an additional article to the treaty, the real property of the inhabitants shall be secured; and likewise until the Spanish officers are sure the Indians will be pacifick. The two first questions, if to be determined by negotiation, might be made subjects of discussion for years, and as no limitation of time can be prescribed to the other, a certainty in the opinion of the Spanish officers that the Indians will be pacifick, it will be impossible to suffer it to remain an obstacle to the fulfilment of the treaty on the part of Spain.

To remove the first difficulty, I have determined to leave it to the discretion of the officers of his catholick majesty, when they withdraw his troops from the forts, within the territory of the United States, either to leave the works

standing, or to demolish them; and to remove the second, I shall cause an assurance to be published, and to be particularly communicated to the minister of his catholick majesty, and to the governour of Louisiana, that the settlers or occupants of the lands in question, shall not be disturbed in their possessions by the troops of the United States; but on the contrary, that they shall be protected in all their lawful claims; and to prevent or remove every doubt on this point, it merits the consideration of Congress, whether it will not be expedient, immediately, to pass a law, giving positive assurances to those inhabitants who by fair and regular grants, or by occupancy, have obtained legal titles or equitable claims to lands in that country, prior to the final ratification of the treaty between the United States and Spain, on the twenty-fifth of April, one thousand seven hundred and ninety-six.

This country is rendered peculiarly valuable by its inhabitants, who are represented to amount to nearly four thousand, generally well affected and much attached to the United States, and zealous for the establishment of a government under their authority.

I therefore recommend to your consideration the expediency of erecting a government in the district of the Natchez, similar to that established for the territory north west of the river Ohio, but with certain modifications, relative to titles or claims of land, whether of individuals or companies, or to claims of jurisdiction of any individual state.

JOHN ADAMS.

Report of the Secretary of State, to the President of the United States, of the Proceedings of Andrew Ellicott, Esq. Commissioner for running the Boundary Line between the United States and East and West Florida. Department of State, June 10, 1797.

THE Secretary of State respectfully reports to the President of the United States, the substance of the information received the 8th instant, from Andrew Ellicott, Esquire, the commissioner of the United States appointed to run the boundary line between their territory and his catholick majesty's colonies of East and West Florida.

Although Mr. Ellicott left Philadelphia, in September, 1796, to proceed, by the Ohio and Mississippi rivers, to the Natchez, the place appointed by the treaty with Spain,

at which the commissioners of the two governments were to meet, yet owing to the lowness of the waters of the Ohio, he did not reach its mouth until the 19th of December; two days after which, both the Ohio and Mississippi were almost frozen over. On the 21st of January, the ice began to give way, and their store-boat arriving on the 28th, they proceeded on the 31st for the Natchez. On the 21st of February Mr. Ellicott received a letter, No. 1, from his catholick majesty's governour, Gayoso de Lemos, dated at the Natchez, the 17th of February, mentioning the information he had received of his approaching arrival, attended by a military guard and some woodsmen, and desiring that the troops might be left about the mouth of Bayou Pierre; assigning for his reason, that thereby every unforeseen misunderstanding between the troops of the two powers would be prevented. With this request, from views of accommodation, Mr. Ellicott complied. Bayou Pierre is about sixty miles above the Natchez.

On the 24th of February, Mr. Ellicott reached the Natchez, and immediately by a letter, acquainted governour Gayoso, of his arrival. The governour on the same day returned an answer, No. 2. The day following they had an interview, and fixed on the 19th of March to proceed down the river to Clarkesville, near which it was supposed the line would commence. The Monday following, February 27th, Mr. Ellicott wrote a letter, No. 3, to the Baron de Carondelet, his catholick majesty's governour general of Louisiana, and the commissioner named by the court of Spain, for ascertaining the boundary line, to inform him of his arrival at the Natchez, as the commissioner of the United States. The Baron's answer, No. 4, dated March 1st, was received the 9th, and on the same day governour Gayoso waited on Mr. Ellicott, and informed him that the Baron, in consequence of interesting concerns below, had declined to attend, and that the whole business had devolved on him. Mr. Ellicott expressed his satisfaction, because he expected that he, governour Gayoso, would immediately be ready to proceed. The governour answered—"No time shall be lost; but I fear I shall not be ready by the 19th; and although the Baron declines acting on account of the business which demands his constant attention at Orleans, he is nevertheless desirous of having an interview with you; and for that purpose has ordered a

galley to be fitted up for your use and accommodation to New Orleans.”—Mr. Ellicott considered that the third article of the treaty with Spain, required the commissioners for running the boundary line to meet at the Natchez; and that being then at his post, it was his duty to remain there, until the Spanish commissioner should be ready to proceed with him to the place where the line should commence; and therefore he declined the Baron’s invitation.

On the 27th of February, Mr Ellicott encamped at the upper end of the town of Natchez, about a quarter of a mile from the fort occupied by the Spanish troops; and two days after hoisted the flag of the United States. Upon this he received a verbal message from governour Gayoso, by his aid, major Minor, desiring the flag might be taken down, which Mr. Ellicott declined doing. The request was not repeated. Here Mr. Ellicott began his astronomical observations, and found the hill on which he was encamped, to be in latitude 31 degrees, 33 minutes, 46 seconds, or about 39 miles north of the south boundary of the United States.

In this situation, Mr. Ellicott was told alarming stories about the unfavourable disposition of Indians, under an idea that the United States were meditating their destruction. The whole settlement was for some days swarming with them; and they frequently went about his camp with drawn knives. For his own safety he frequently issued provisions to them. Thus critically circumstanced, he on the 11th of March, wrote to governour Gayoso the letter, No. 5, to which he received the answer, No. 6. But in the mean time, Mr. Ellicott had sent an express to the commanding officer of his escort (consisting of only 25 men) which, in complaisance to the governour’s first request, he had left sixty miles up the river, to come down directly to the Natchez.—And being determined not to countermand this order, he on the 13th, wrote to governour Gayoso the letter No. 7, proposing Bacon’s landing, about a mile below his camp, for the station of his escort; but before this letter was sent, he had an interview with the governour, who undertook to prove the propriety and necessity of the whole party from the United States going down to Clarke’s place, and closed his reasoning by observing, that if the escort did land at the Natchez, he should consider it as an insult offered to the king his mas-

ter. Mr. Ellicott then telling the governour, that he should send him immediately an answer in writing, observed, that the desire which was constantly manifested to draw him from that place (the Natchez) appeared very singular, as it was designated in the late treaty between his catholick majesty and the United States, as the place of meeting for the commissioners; and therefore, that he should reject every proposition that was intended to draw him from his present situation, until the commissioner and surveyor on behalf of the crown of Spain were ready to proceed to business. To which the governour replied, "sir, you either mistake my meaning, or I have expressed myself very badly. I do not want you to leave this place, but on the contrary, I am desirous for you to take up your residence in my house; you will live there much more comfortably than in a tent." Mr. Ellicott said, that his tent was much more agreeable than a palace; for in his camp he enjoyed an independence characteristick of the nation he had the honour to represent. The next morning Mr. Ellicott sent his letter, No. 7, and the same day received the governour's answer, No. 8, expressing his entire satisfaction with Mr. Ellicott's sentiments, as uniformly agreeing with his own, in every thing which could combine the mutual interests of the two nations.

The evening following, (March 15th) Mr. Ellicott's escort arrived at the landing, and the next day went down to the place he had proposed for their station.

The officer of the escort having found in the settlement a number of deserters from the American army, took them up. This occasioned some verbal communications between governour Gayoso and Mr. Ellicott, the former desiring the deserters might be dismissed. Mr. Ellicott thereupon proposed this arrangement: That such deserters from the army of the United States as came into that country, and took the protection of the Spanish government, prior to the time fixed by the treaty for the evacuation of the posts, should, for the present, remain unmolested; but that such as had come to that country since that time should be liable to be taken and detained.

About the time Mr. Ellicott's escort arrived, the principal part of the artillery was taken out of the fort and carried to the landing, and every appearance made of

a speedy evacuation; but on the 22d of March, great industry was used in carrying cannon back to the fort, which were immediately remounted. This gave great alarm to the inhabitants of the district, who generally manifested a desire of being declared subjects of the United States, and at once to renounce the Spanish jurisdiction. In order to quiet the minds of the inhabitants, and to be able to give them some reasons for the governor's conduct, which now began to be considered as hostile to the United States, Mr. Ellicott, on the 23d of March, wrote the letter No. 9, which was followed by a note No. 10, to which he received the governor's answer, No. 11. This answer, containing information that the important business of running the boundary line should soon be commenced, and an assurance that nothing could prevent the religious compliance with the treaty, Mr. Ellicott expressed his satisfaction in his letter to the governor, No. 12.

It being now reported, that the American troops would be down in a few days, the governor sent by his aid, to Mr. Ellicott, an open letter from the governor directed to captain Pope, who it was said, commanded those troops, informing him, that for sundry reasons it would be proper, and conducive to the harmony of the two nations, for himself and the detachment under his command to remain at or near the place where the letter should meet him, until the posts should be evacuated; and as every preparation was making for that purpose, the delay would be but of a few days, when he would be happy to see him at the Natchez. This proposal to captain Pope, the governor, in his letter, No. 13, desired Mr. Ellicott to second. Upon reading this letter, Mr. Ellicott observed to major Minor, that it was impossible for him to join in the governor's request to captain Pope, as it was well known to him, (Mr. Ellicott) that instead of evacuating the posts, they were making them more defensible. However, Mr. Ellicott said, he would write a letter to the officer commanding the detachment, and requested major Minor (as he was to be the bearer of the governor's letter, to the Walnut-hills) to take charge of it; to which he had no objection. This letter is No. 14.

On the 28th of March, the governor issued the proclamation, No. 15, bearing the date of March 29th, and an-

ther, No. 16, bearing the same date, with the avowed object of quieting the minds of the inhabitants; but they produced a contrary effect. As soon as the governour discovered this, he requested two gentlemen of the settlement, to inform Mr. Ellicott that he, the governour, had received directions from the general in chief, the Baron de Carondelet, to have the artillery and military stores expeditiously removed from the forts, which were immediately to be given up to the troops of the United States upon their arrival. Great pains were taken to inculcate this report; but it did not remove suspicions. In order, therefore, to obtain a direct explanation, Mr. Ellicott, on the 31st of March, wrote to the governour the letter No. 17, enclosing two paragraphs, No. 18, of an address he had received from a number of respectable inhabitants of the district. The governour's answer, No. 19, of the same date, confirmed every suspicion, as it contained an explicit declaration, that his general had given him positive orders to suspend the evacuations of the posts until the two governments should determine, whether the works were to be left standing, or to be demolished; and until, by an additional article to the treaty, the real property of the inhabitants should be secured; agreeably to his proclamations, in which the governour thought proper to tell the inhabitants, that negotiations were on foot between his catholick majesty and the United States, for the adjustment of that and other matters. It may not be improper to remark, that no such negotiation has existed; and that this is the first time that these objections to the evacuation of the posts have been heard of. This peremptory declaration of governour Gayoso requires no comment.

Mr. Ellicott says, that with the exception of about eight persons, including some officers, all the inhabitants of the Natchez district (within the limits of the United States) are desirous of coming under their jurisdiction, and to have a government established there, similar to that north west of the river Ohio. My inquiries enable me to add, that the population amounts to near four thousand souls.

Mr. Ellicott further informs, that he has not only reason to believe, but is certain that many grants for lands in that district, have been given out by the officers of the government of Louisiana, since the ratification of the late treaty, and that their surveyors are now executing the surveys.

On the 14th of April, when Mr. Ellicott was folding up his despatches, he received from governour Gayoso the letter No. 20, of that date, complaining of the enlistment of persons in that district, as an infringement of the rights of his catholick majesty; and requesting that the persons enlisted might be discharged: to which Mr. Ellicott immediately returned the answer, No. 21; observing that the matter required investigation; but assuring governour Gayoso, that he would be careful neither to infringe the rights of the subjects of his catholick majesty, nor willingly suffer those of the citizens of the United States to be infringed.

The bearer of Mr. Ellicott's despatches informs me, that before he left the Natchez they had heard that two gun-boats were preparing at New Orleans to bring up reinforcements; and since his arrival I have received information which, connected with this detail of facts, is entitled to belief, that about the tenth of May, three large boats, full of troops, besides a party by land, set off from New Orleans for the Natchez. It was added, for the purpose of driving off the continental troops that had taken possession, agreeably to the late treaty.

TIMOTHY PICKERING.

June 12, 1797.

I HAVE just received from the Secretary of War, two letters (which I have numbered 22 and 23) dated the 13th of December, 1796, from the officer of his catholick majesty commanding the post at New Madrid,—one addressed to the late general Wayne, and the other to lieutenant Taylor, whom the general sent thither with letters to obtain information relative to the delivery of the post occupied by his catholick majesty's troops within the territory of the United States; by which it appears, that the evacuation of those posts was at that time proposed to be deferred, merely because the water of the Mississippi was so low as to render the transport of artillery, &c. very difficult, and the navigation dangerous.

TIMOTHY PICKERING.

No. 1.

*Manuel Gayoso de Lemos to the Hon. A. Ellicott. Natchez,
Feb. 17, 1797.*

SIR,—Some gentlemen that left you at the mouth of the Ohio, have informed me of your approaching arrival here, and that to attend you on your commission you bring a military guard and some woodsmen. It is with pleasure, that I propose myself the satisfaction of seeing you here, and to make your acquaintance. Though I do not conceive that the least difficulty will arise respecting the execution of the part of the treaty in which you are an acting person; yet, as we are not prepared to evacuate the posts immediately, for want of the vessels that I expect will arrive soon, I find it indispensable to request you to leave the troops about the mouth of Bayou Pierre, where they may be provided with all their necessaries which you can regulate on your arrival here. By this means, every unforeseen misunderstanding will be prevented between his majesty's troops, and those of the United States; besides it is necessary to make some arrangements previous to the arrival of the troops, on which subject I shall have the honour of entertaining you when we meet.

I embrace this opportunity to assure you of the satisfaction I feel in being appointed to act in concert with you, though your first interview is to be with the general in chief of this Province. I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

The Hon. A. Ellicott.

No. 2.

*Baron de Carondelet to the Hon. A. Ellicott. Natchez,
Feb. 24, 1797.*

SIR,—By your favour of this day, delivered to me by Mr. Nolan, I learn with pleasure your arrival at this post, in the character of commissioner in behalf of the United States, to ascertain the boundaries between the territories of his most catholick majesty and the said United States.

I have the honour to be, &c.

True copy, MANUEL GAYOSO DE LEMOS.
The Hon. A. Ellicott.

No. 3.

*Hon. Andrew Ellicott, to the Baron de Carondelet. Natchez,
Feb. 27, 1797.*

SIR,—It is with pleasure I embrace this opportunity of informing you of my safe arrival at this place, as commissioner in behalf of the United States, for ascertaining the boundaries between the territories of his most catholic majesty and those of the United States.

The polite manner in which I have been received at the posts on the Mississippi, now in possession of his most catholic majesty, demands my thanks and gratitude, and am in hopes that a similar conduct will be observed on our part. I have the honour to be, &c.

ANDREW ELLICOTT.

The Baron de Carondelet.

No. 4.

TRANSLATION.

New Orleans, March 1, 1797.

MY DEAR SIR,—I have received with great satisfaction, your friendly letter of the 27th of Feb. last; in consequence of which, I congratulate you on your arrival in this country in thy character of commissioner on the part of the United States, to run the dividing line between the territories of his most catholic majesty, and the United States. You likewise did me the favour to mention with what kindness and attention you were received at the different posts, as well as by the whole government under my direction; and from the general principles of your nation, I have no doubt but the same conduct will be observed on the part of the United States. God guard you, most excellent sir.

BARON DE CARONDELET.

Andrew Ellicott, Esq.

No. 5.

*Hon. A. Ellicott, to Manuel Gayoso de Lemos. Natchez,
March 11, 1797.*

MY DEAR SIR,—The conduct of the Indians yesterday and last night, owing principally to their constant state of intoxication, renders it absolutely necessary, in my opinion, to have recourse to my military escort for protection. The discipline of our army is such, that you may rest assured, none of the inconveniences mentioned in your first communication to me, are to be apprehended from the escort's being stationed at this place on our part. And as the attendance of the guard forms a part of the treaty now carrying into effect between his most catholick majesty and the United States, which I am authorized to declare will be observed by the nation I have the honour to represent with good faith and punctuality, I must request the favour of you to withdraw your objections against my escort's joining me at this place as soon as possible.

I am, &c.

ANDREW ELLICOTT.

His Excellency Manuel Gayoso de Lemos.

No. 6.

*Manuel Gayoso de Lemos to the Hon. A. Ellicott. Natchez,
March 12, 1797.*

MY DEAR SIR,—This morning I had the pleasure to receive your amicable communication, dated yesterday. I give you my sincere thanks for having established this form of intercourse, as it will make our business more easy, and indeed, it is more conformable to the sincere friendship we have contracted.

In answer to your said letter, I will remark, that such conduct of the Indians is not customary here; I foresaw that it would happen, from the moment you showed a desire of having your colours flying, before all the transactions were terminated; knowing the Indians as well as I do, this was the reason of the objections I offered the moment I saw it hoisted, for otherwise I know it very well, that it is frequently used by the representatives of any

nation in a foreign country ; it is even done in Spain by foreign consuls. I am sorry you should have experienced any inconveniency from this particular circumstance, and that urged by such effects to wish to have by you your escort. I have not the least objection that it should be called from its actual station ; but as it is my duty, and that I am answerable for the tranquillity of the country that is intrusted to my charge, I must propose to you a method that will answer every good and satisfactory purpose. Had not you been unluckily stopped on your voyage to this country, you would have had immediately the general of the province here, to begin the operation of demarking the divisory line between the territories of his catholick majesty and those of the United States of America. He had every necessary preparation to attend to the business ; but since the time he had a right to expect the commissioners of the United States, the war with England has taken place, and his cares thereby increased, yet he expected to have had it in his power to come to meet you at Daniel Clarke's, esquire, which place is near the point of the 31 degrees, but he has found it impossible, as it would oblige him to make too long an absence from New Orleans ; therefore it is myself that will have the honour to accompany you on that important commission, on behalf of his catholick majesty. This is the moment when I am in want of every individual thing, both for my person and for the attendants of the commission, though the geometer and other officers that are to be employed, are already on their way from New Orleans, and will stop at Clarkesville, where I shall go myself as soon as my equipage arrives from the capital ; but this will inevitably take some time, therefore the plan that I wish to arrange with you, will be to make Loftus's Cliffs our point of reunion. This place is a short distance from Clarkesville, and it is a very healthy situation ;—there I will send every thing concerning the Spanish commission ; and that will be the most convenient place to establish, for a while, your headquarters, under your military escort. By adopting this measure, you will have your people together ; and the most distant disagreeable occurrence avoided, as I am positively confident that some would happen by the conjunction here, as you propose. It is true, that by the treaty an escort is supposed, and even recommended to

each commission, but it is to be on the line, and not at a distance from it where it would interfere with other business; therefore, I feel sensibly hurt that it is out of my power to consent in the landing of the troops in this place, though I have not the least objection on their going directly to Loftus's Cliffs.

I have given the most positive orders to prevent the Indians getting liquor; and to their interpreter I have given the strictest charge to be always in sight, and tomorrow I expect that they will remove to some distance from hence. I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

A true copy, D. GILLESPIE, *Secretary*.

The Hon. Andrew Ellicott.

No. 7.

Hon. A. Ellicott to Manuel Gayoso de Lemos. Natchez, March 13, 1797.

MY DEAR SIR,—Your favour of yesterday was handed to me in due time, which would have been answered sooner, had not the storm last night prevented me from writing in my tent. Your letter, as well as many circumstances which have come to my knowledge, contain fresh proofs of your desire to promote good order and harmony in this part of the country. But, sir, I cannot suppose that any inconvenience could possibly arise, or the peace of this settlement be disturbed by the arrival and landing of the escort which I left at Bayou Pierre: If I did suppose the contrary, I trust that I should be one of the last persons to propose the measure. In my opinion, the escort which accompanied me is as much bound to observe good order in this country, as the troops of his catholick majesty. This is not an opinion of the day, it has uniformly been mine ever since I left the seat of our government: in consequence of which, immediately upon my entering the Mississippi, I issued a standing order, that when any of our party, the military included, should be at any place where the jurisdiction was exercised by his catholick majesty, the laws and usages of that government should be observed and submitted to in the most pointed manner. The escorts, by the spirit of the treaty, are intended for our

mutual protection against straggling hostile Indians, and the preservation of our stores. This appears to be their whole business.

As I hope that mere punctilios may never interrupt our friendship, and the conduct of the Indians having become more peaceable since the night before last, I am less anxious for the escort's being stationed at my present encampment: I would, therefore, to prevent any disturbance or misunderstanding, propose that the officer who commands the escort which accompanied me to Bayou Pierre, be directed to proceed down the river to Bacon Landing, from whence he may come to this place and procure such necessaries as he may be in want of for the ensuing season.

As this is the place designated by the treaty for our meeting, and making our arrangements for carrying on the business, I conceive there would be an impropriety in my leaving it till your excellency is ready to join me in fixing the first point of latitude. I am, &c.

ANDREW ELLICOTT.

Copy.

D. GILLESPIE, Secretary.

Note.—The last two paragraphs were added after having had a private conversation with the governour.

No. 8.

Manual Gayoso de Lemos to the Hon. A. Ellicott. Natchez, March 14, 1797.

MY DEAR SIR,—I do myself the pleasure to acknowledge the reception of your favour, dated of yesterday, and am very happy to find, that our sentiments uniformly agree in every thing that can combine the mutual interests of our nations, and I pledge you my honour and friendship, that every step of my conduct shall be guided by this principle, impressed in me by my duty, and by the very particular attachment I have for you.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

Copy.

D. GILLESPIE, Secretary.

The Hon. ANDREW ELLICOTT.

No. 9.

Hon. A. Ellicott to Manuel Gayoso de Lemos. Natchez, March 23, 1797.

MY DEAR SIR,—The re-mounting of the cannon at this place at the very moment when our troops are daily expected down to take possession of it, the insolent treatment which the citizens of the United States have received at the Walnut-hills, and the delay in the business upon which I came, concur in giving me reason to suppose, that the treaty will not be observed with the same good faith and punctuality by the subjects of his catholic majesty, as it will by the citizens of the United States. I hope your excellency will give such an explanation of the above, as to remove my doubts and apprehensions, which, I am afraid have been too justly excited. I am, &c.

ANDREW ELLICOTT.

His Excellency Manuel Gayoso de Lemos.

No. 10.

MR. ELLICOTT'S compliments to his friend governour Gayoso, and wishes to be informed, whether the following information which he received this day, "that all the works at the Chickesaw Bluffs have been either demolished or carried to the opposite side of the river, and that every exertion is making at the Walnut-hills to put that post in a state of defence," be correct.

March 23, 1797.

No. 11.

From his Excellency Manuel Gayoso de Lemos to Andrew Ellicott, Esquire. Natchez, March 23, 1797.

MY DEAR SIR,—I have just now received your communication of this day, by which I am sorry to find the construction you put on the storing of the ammunitions that came from the Walnut-hills in this fort; I have no other place to put them in, for it would be imprudent to leave

them exposed in an unsecure place at a time when the Indians might take advantage of us, if they found that in the present circumstances we acted without the necessary precautions. At the time you see me conducting ammunitions to the fort, you will likewise see as many go out of it for the Arkansas, to reinforce that post, which will now be exposed to the incursions of the Osage Indians, who in the last season pillaged the white hunters of that country.

I am entirely unacquainted with any ill treatment that the citizens of the United States should have received at the Walnut-hills; if you mean the execution of the orders of the general in chief of this province to demolish that post, it was in consequence of our treaty with the Indians that they might have no just reason to complain of our conduct; but since I have been informed of their unsettled disposition, I have sent counter orders to suspend every thing that might injure the actual estate of those fortifications, and in such circumstances shall not move any thing else until the arrival of the American troops that are daily expected.

The unavoidable detention that has been experienced in beginning the line, you know the reasons, but they shall soon be removed, as lieutenant colonel Guillemard is far on his way up, and at his arrival this important business shall be begun.

I do assure you that there is nothing that can prevent the religious compliance of the treaty, though I might observe that the conduct of some persons that seem to affect an immediate interest for the United States is such, as to occupy my attention. I request that you will be so kind as to take such measures as to suppress untimely expressions that can only tend to disturb the tranquillity of the publick, of which I am solely answerable for the present.

As I was finishing this Mr. Gillespie brought to me your note inquiring if the works at the Bluffs had been destroyed, or removed to the other side of the river.

What I have already said concerning our treaty with the Indians I suppose has guided the general of this province to take that step. I really do not know whether they are destroyed or not. I give you my word that I did not know what was to be done there, and it is only by baron Bastrop that I learn that that post would soon be evacuated; but as this is a thing that only regards the general of the

province, I cannot account for it, nor can I say more on the subject, as all the orders proceed from him, that post being entirely out of my jurisdiction.

My dear sir, &c.

MANUEL GAYOSO DE LEMOS.

The Hon. Andrew Ellicott.

No. 12.

From Andrew Ellicott, Esq. to his Excellency Manuel Gayoso de Lemos. Natchez, March 24, 1797.

MY DEAR SIR,—It is with pleasure I acknowledge the receipt of your excellency's very satisfactory letter of yesterday. You may rest assured that I have, and shall continue to discountenance every measure, and the propagation of any opinion which may have a tendency to disturb the good order and harmony of this settlement. I shall close this with requesting that the commandant of the Walnut-hills be directed to treat the citizens of the United States with politeness when they stop at that post, as a contrary conduct may be attended with disagreeable consequences on a river which both nations have an equal right to navigate. I am, &c.

ANDREW ELLICOTT.

His Excellency Manuel Gayoso de Lemos.

No. 13.

From his Excellency Manuel Gayoso de Lemos, to Andrew Ellicott, Esq. Natchez, March 25, 1797.

MY DEAR SIR,—By every report you are acquainted with the confirmation of every thing I have told you concerning our business; you know that lieutenant colonel Guillemard will be here very soon, and that immediately we shall proceed to the running of the line. But as nothing but friendly arrangements are to guide our conduct, it is necessary to avoid every shadow of compulsion. By the contents of my letter to captain Pope, you will see my reasons; therefore, I request that you will join a couple of lines to avoid any more writing.

I am surrounded by many people who have business, this being court day, though I have tried to disembarass myself, but cannot wait upon you. I am, &c.

MANUEL GAYOSO DE LEMOS.

The Hon. Andrew Ellicott.

No. 14.

From Andrew Ellicott, Esq. to Lieutenant Pope. Natchez, March 25, 1797.

DEAR SIR,—This will be handed you by major Minor, a friend of mine, an officer in the service of his catholick majesty; your polite attention to him will be considered as a particular favour conferred upon me. By order of governour Gayoso, his letter to you of this day has been shown to me; his request for you and the troops under your command, to remain for an indefinite time above this place, appears to me a very extraordinary one; sufficient time has already been given by the United States for the evacuation of all the posts on the east side of the Mississippi, above the 31st degree of north latitude; and from the troops of his catholick majesty carrying up and remounting the cannon at this place, I cannot pretend to say that an evacuation is really intended in any reasonable time. From this circumstance I should conclude that the sooner you are here the better. However, as I have no control over the destination of the troops of the United States except my own escort, I shall take it for granted that your instructions are sufficiently pointed to direct your conduct. Please to accept of my sincere wishes for the safe and speedy arrival of yourself and troops at this place; and am, &c.

ANDREW ELLICOTT.

Lieutenant Pope.

No. 15.

Don Manuel Gayoso de Lemos, Brigadier in the Royal Armies, Governour Military and Civil of Natchez and its Dependencies, &c. &c. &c.

WHEREAS the political situation of this country offers a large field to busy and malignant minds to disturb the

tranquillity of its inhabitants, it is therefore my duty, and the continuation of that vigilance which I have constantly exerted not only to promote the happiness of every individual of this government, but likewise to support their interest and secure their tranquillity, that I step forth to warn the publick against being led by their innocent credulity against any measure that may be productive of ill consequences, and frustrate all the advantages they have a right to expect: And by the present I assure to them if they continue as they have always done, with strict attachment to the welfare of his catholick majesty's government, from which will depend the following favourable events,—viz.—His majesty has offered to support the rights of the inhabitants to the real property, and until that is ascertained, I am bound to keep possession of this country, as likewise until we are sure the Indians will be pacifick.

Contrary to the general expectation the same indulgence that until now protected the inhabitants in distress will be continued during his majesty's sovereignty in this country; and this being the season in which the planters are employed in preparing for an ensuing crop, none shall be disturbed from that important object on account of their depending debts. The misconstruction of what is the enjoyment of the liberty of conscience is hereby positively explained to be, that no individual of this government shall be molested on account of religious principles, and that they shall not be hindered in their private meetings, but no other publick worship will be allowed but that generally established in all his majesty's dominions, which is the catholick religion.

These important objects, that until now have not been published, though resolved, I acquaint the publick with, apprehensive of the dangerous insinuations of several persons that have made it their business to dazzle the publick with false notions to serve their own purpose in the speculation of lands that are lawfully held by all the inhabitants of this government, therefore I firmly rely that no person will deviate from the principles of adhesion to our government until the negotiations that are now on foot between his majesty and the United States of Ame-

rica, are concluded, and thereby the real property of the inhabitants secured.

Given under my hand and the seal of my arms, and countersigned by the secretary of this government, by H. M. at the government house, Natchez.

MANUEL GAYOSO DE LEMOS.

JH. VIDAL.

March 29, 1797.

No. 16.

WHEREAS the alarming circumstances that prevailed for a while in this government, obliged me to circulate proclamations, wherein I warned the people of their immediate danger. Now, that these troubles have subsided, I cannot but publish my approbation, and applaud that upright sense of duty that the inhabitants have shown to the laws of our gracious sovereign, by seconding his representative, the right they have so justly acquired of being considered the most loyal subjects of his majesty. In my last publication I mentioned that until the real property should be secured to the inhabitants, this country should be considered in the same situation as before, as likewise while the pacifick disposition of the Indians was not ascertained. I find it my duty to explain that a negotiation is now carrying on to secure the right of the said real property. As that right cannot be secured but by an additional article to the late treaty, and until that article is officially communicated to me, I am bound to keep possession of the country, and continue to its inhabitants the same indulgence and the same anxious protection as until now. The negotiations with the Indians will produce the same effects, as it is impossible for his majesty to leave unprotected so many of his faithful subjects, and expose other settlements to the revengeful disposition of discontented Indians; these important objects are of the greatest moment to every person in this government; their interest and allegiance to his majesty binds them to keep steady in their principles of loyalty, until by the definitive arrangements of both nations a change takes place. Being informed that some persons are apprehensive that violent measures will be taken against those that seemed pleased with the prospects of becoming citizens

of the United States, I declare that such a notion is unfounded, as likewise the suspicion, that individuals would be prevented from moving to any part they please, either within his majesty's dominions or elsewhere, as it is notorious that no such obstacle was ever offered to any body, it being contrary to one of the greatest prerogatives that are enjoyed by his majesty's subjects.

DON MANUEL GAYOSO DE LEMOS.

March 29, 1797.

No. 17.

From Andrew Ellicott, Esq. to his Excellency Manuel Gayoso de Lemos. Natchez, March 31, 1797.

MY DEAR SIR,—I was last evening addressed by a number of respectable inhabitants of the district of Natchez. They are very much alarmed for their situation, in consequence of having expressed their pleasure, since my arrival at this place, in speedily becoming citizens of the United States. Your proclamation of the 28th instant, they conceived renders that event doubtful. They have therefore from considerations of personal safety, and to avoid the insults which many of them have experienced from one or more officers of a small grade in this district, called upon me to use my influence with your excellency to grant them, and all others who incline to leave this country, the privilege of disposing of their properties, and passports to enable them to reach the frontiers of such states as they may be inclined to remove to. I have now stated the substance of their application, and assure your excellency, from the respectability of the applicants, it is a subject in which I feel myself interested, and to which I request your excellency's attention.

Ever since I arrived in this district, I have uniformly recommended to the inhabitants a quiet submission to the government now in force; at the same time they have been in the most explicit manner assured, that the period would not be far distant when the jurisdiction of the United States would be extended to them. But they are not satisfied; they have their suspicions; and it is your excellency alone that can quiet them. Let the cannon and military stores be again taken out of the fort: withdraw

your objections to the arrival of the American troops; and their apprehensions will subside. I do not pretend to say that their apprehensions are well founded; it is possible they are not; but your objection to my escort's being stationed with me, your hauling back and remounting the cannon at this place, your despatching major Minor to delay the arrival of the troops of the United States at this post, added to your excellency's proclamation, however well meant, have had a contrary effect by increasing their fears.

I have enclosed two paragraphs of the address which was handed to me last evening. I am, &c.

ANDREW ELLICOTT.

No. 18. COPY.

MANY whose ideas of allegiance had been preponderant from the treaty until the time of your arrival at this place, thought themselves at full liberty to announce their sentiments in any way that might not affect the operations of peace and good order in society. But the result is a melancholy contrast to the construction. Some have been already torn away from the bosom of agricultural life, and conveyed to prison with every indignant epithet that malevolence could invent. Scouts are crossing the country in various directions, breathing threats of vengeance against those who had unguardedly thrown aside the mask of duplicity; and a number are waiting with solicitude the moment of their fate.

There are many in this country to whose exertions America is much indebted for her political existence. We call upon you in the name of such; we call upon you in the name of every friend to that emblem of peace and science which has been recently displayed to us; to stand forth with a confidence suitable to the dignity of your commission, and demand of the governour, passports, with leave for all such as would dispose of their property and avail themselves of a change of situation by withdrawing to the United States.

No. 19.

From his Excellency Manuel Gayoso de Lemos, to Andrew Ellicott, Esq. Natchez, March 31, 1797.

MY DEAR SIR,—I have just now received your favour of this day, in which you informed of the application of several respectable inhabitants of this government to you, requesting your interposition to facilitate to them a privilege that they never ceased enjoying, and in which consists the greatest liberty of a Spaniard. There is not one single instance in our government of having made opposition to a person's selling his property, and leaving the country, whenever they called for a passport; and as our system is not altered, I shall not refuse the same privilege to any person that may apply for it.

I am sorry to find, that those persons who have addressed you, have imposed upon your credulity and goodness, in making use of remonstrances proper to make sensation on the feelings of a good citizen of the United States—but there is not a word of truth in what they have advanced. I have not taken notice of the satisfaction that some persons have expressed on the prospect of becoming citizens of the United States—nor has any body been apprehended for it—nor have I issued any order for such a purpose, but against Mr. Green, senior, who had made his escape, conscious of the criminality of his conduct, which is notorious; and indeed in all the extent of this government, there is but one single individual confined, and that is for a criminal proceeding. There is not a single patrol out in search of any one—nor just in this moment do I find occasion for it; but if I should, I would employ every means in my power to suppress disorder, and to keep the peace of the country, as I have always done.

I doubt not of the assurances you please to give me of the good advice you have uniformly given to the people—it being conformable to the character of a gentleman, whose object is another than that of interfering in the matters of government.

My proclamation I found absolutely necessary to calm the minds of the people—stating to them the true situation of the political arrangements between his majesty and the United States, which does not dissolve the treaty, but re-

quires an essential explanation, not only with regard to the points alluded to in my proclamation, but likewise as I am authorized to declare to you, that the general of this province finds himself under the necessity to consult his majesty concerning the manner in which the posts are to be evacuated; as it appears by general Wayne's communication to him, that he expects that the posts will be delivered with the buildings standing as they are; and by the treaty, we conceive that the posts are to be demolished before we leave them; and as such interpretation of the true meaning of the treaty either one way or the other [it] might produce unnecessary ministerial contests, my general has given me positive orders to suspend the evacuations of the posts until the matter shall be amicably settled between the two courts. In the mean while, if the troops of the United States that are daily expected, arrive, they shall be received at Nogales in the most friendly and hospitable manner, as is due to a nation with whom we are at perfect peace, and with whom we wish to keep the most perfect harmony.

I flatter myself you will do me the justice to acknowledge the propriety of my conduct in obeying the superior order of my general, who is actuated by the principles of the strictest honour in supporting the interest of his majesty intrusted to him.

The uniform good harmony that we have reciprocally promised to each other will subsist; and it will not be only our duty but our glory to banish every shadow of misunderstanding, which is wrongly interpreted by the publick, without any more foundation than assisted those that tried to persuade you of wrongs that they never suffered. I am, &c.

MANUEL GAYOSO DE LEMOS.

No. 20.

From his Excellency Manuel Gayoso de Lemos, to Andrew Ellicott, Esq. Natchez, April 14, 1797.

MY DEAR SIR,—I am informed that the officer commanding your escort, has enlisted several persons, residents of this government, which being against the laws of nations, I cannot pass unnoticed, it being an infringement

on the sovereignty of the king my master, and a disregard of the authority residing in me.

I cannot persuade myself that it was done intentionally, nor thinking that it could give the most remote offence; but as the matter is of a most delicate nature, I request you to give the necessary orders, that the men so enlisted may be discharged, and delivered to major Minor, whom I commission for this purpose.

The object of the escort not being to raise men in this country, while under his catholick majesty's dominion, I request of you likewise to give the most precise and positive orders to the officer of the troops, or to whom it may appertain, to discontinue such proceedings, or any thing that may injure the immunity of the king's dominions, or his royal rights.

The most perfect harmony and friendship subsisting between his catholick majesty and the United States of America, the same being recommended in the most particular manner to the individuals of both nations, it would be unaccountable if we, that have had the honour to be distinguished by our appointments, did not promote this friendly reciprocity, which not only consists in a hospitable and polite intercourse, but guarding and keeping to one another the prerogatives and privileges that are due.

Enclosed I have the honour of transmitting to you a list of the men, that to my knowledge, have been recruited, or suffered to be recruited, in this government, by the officer commanding your escort.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

The Hon. Andrew Ellicott.

No. 21.

From Andrew Ellicott, Esq. to His Excellency Manuel Gayoso de Lemos. Natchez, April 14, 1797.

DEAR SIR,—Your excellency's favour of this date was handed to me by major Minor; but the request it contains is of so general and important a nature, and affecting so deeply the privileges of the citizens of the United States, that I must take a short time to investigate its ultimate

tendency, as a part, if not all of the persons named in your excellency's list, cannot, by any construction of the late treaty, or the laws of nations, be considered as the subjects of his catholick majesty. You may rest assured, that having in view the sacred and honourable principles which are the basis of that government I have the honour to serve, and by which treaties are considered the most sacred of all obligations, I will be careful neither to infringe the rights of the subjects of his catholick majesty, nor willingly suffer infringement of those of the citizens of the United States.

I am, &c.

ANDREW ELLICOTT.

His Excellency Manuel Gayoso de Lemos.

No. 22.

From Lieutenant Colonel Charles de Hault de Lassus, to Major General Anthony Wayne. New Madrid, on the Mississippi, Dec. 18, 1796.

SIR,—Lieutenant Taylor has delivered me your excellency's letter, dated Detroit, October 19th, 1796, and according to your intention I have acquainted him with the orders I have received from the governour general of this province, respecting the treaty of friendship, navigation and limits, between the United States of America, and the king my master. I here enclose a copy of my letter to him, wherein I hope you will find sufficient and satisfactory information. As lieutenant Taylor has, according to his instructions, determined to return from here without going any further down, I am about sending immediately an express to New Orleans with your excellency's letter to the governour general of Louisiana; I will think myself happy if I have succeeded in complying with your intentions.

I have the honour to be, &c.

CHARLES DE HAULT DE LASSUS,

Lieut. Colonel in his Catholick Majesty's Service,
and Commander of the Post of New Madrid.

Major General Anthony Wayne,
commanding the Army of the
United States of America.

No. 23.

From Lieutenant Colonel Charles de Hault de Lassus, to Lieutenant Taylor. New Madrid, on the Mississippi, December 18, 1796.

SIR,—According to his excellency major general Wayne's desire, I have the honour to inform you of my having received from the governour general of this province information respecting the ratification of the treaty of friendship, navigation and limits, between the king my master, and the United States of America. You have seen in his letter which I have read to you, that I have orders not to prevent in the least the going down the Mississippi of the commissioners appointed on the part of the United States to fix the limits, and of the troops who were to accompany them; but that in the mean time he orders me to tell them, that the evacuation of the posts cannot take place until the time of high waters. I will beg leave to observe to you, that although this is the affirmative answer that general Wayne speaks of, yet as he says that the troops, who are to take possession of the posts, are now waiting at Fort Massac, their coming down the river immediately, that is, before the high waters, would be somewhat sooner than the governour general of this province seems to expect, and somewhat contrary to major general Wayne's own intentions, since he tells the baron de Carondelet, in his letter, to appoint the most convenient time for the evacuation of the posts. I hope you will be so good as to make that observation to such officers as are in possession of general Wayne's orders respecting the taking of possession of the posts, and at the same time to make them sensible of the conveniency it will be to both the Americans and the Spaniards to wait for a more proper season for the transport of artillery, baggage, provisions, &c. which could not be moved at this present time, without much trouble and risk on account of the river being so remarkably low, as to render its navigation very dangerous.

I have the honour to be, &c.

CHARLES DE HAULT DE LASSUS,

Lieut. Colonel in his Catholick Majesty's Service,
and Commander of the Post of New Madrid.

To Lieutenant Taylor.

Department of State, June 10, 1797.

I HEREBY CERTIFY, that the foregoing documents numbered from 1 to 21, inclusive, are true copies of the original communication from Andrew Ellicott, Esq. the commissioner of the United States, appointed to run the boundary line between their territory and his catholick majesty's colonies of East and West Florida, to the Secretary of State.

GEORGE TAYLOR, JUN. Chief Clerk.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES, JUNE 22, 1797.

IMMEDIATELY after I had received your resolution of the 10th of June, requesting a report respecting the depredations committed on the commerce of the United States, since the first of October, 1796, specifying the name of the vessel taken, where bound to or from, species of lading, the value (when it can be ascertained) of the vessel and cargo taken, and by what power captured, particularizing those which have been actually condemned, together with the proper documents to ascertain the same, I directed a collection to be made of all such information as should be found in the possession of the government: In consequence of which the Secretary of State has made the report, and the collection of documents which accompany this message, and are now laid before the House of Representatives, in compliance with their desire.

JOHN ADAMS.

Department of State, June 21, 1797.

SIR,—I have the honour to lay before you a report respecting the depredations committed on the commerce of the United States, since the first of October, 1796, as far conformable to the resolve of the House of Representa-

tives, of the 10th instant, as the materials in my possession would admit. The number of captures will give a tolerably correct idea of the extent of our losses, and the documents will show the nature of the depredations, and the causes or pretences for which they have been committed.

I am, with the greatest respect, &c.

TIMOTHY PICKERING,
Secretary of State.

The President of the }
United States. }

REPORT

OF THE SECRETARY OF STATE, RESPECTING THE DEPREDATIONS COMMITTED ON THE COMMERCE OF THE UNITED STATES, SINCE THE FIRST OF OCTOBER, 1796.

AMERICAN vessels have been captured since the first of October, 1796, by the armed vessels of Spain, Great Britain and France. Of captures by Spanish cruisers, one was of the polacre Independence, capt. Robertson, laden wholly on account of the United States, with stores for Algiers, in pursuance of the treaty with that regency. She was taken on the 16th of February last, at the entrance of the Straits of Gibraltar, and carried into Cadiz. The polacre's papers were perfectly clear; among others, she had a special passport under the hand of the President of the United States, and the great seal thereof, declaring the vessel to be the property of two citizens of the United States, (whose names were inserted in the passport) and that the cargo was wholly the property of the United States, and destined for Algiers. She had also the passport of the dey. The general of the marine had cleared the polacre and cargo; but the owners of the privateer appealed to the tribunal at Madrid, and on the 31st of March, there had been no decision known at Cadiz.

There have, probably, been a number of captures by Spanish cruisers, although not particularly specified: the consul of the United States in one of the ports of Spain, having informed, that almost daily, American vessels were taken, and brought in by French and Spanish privateers.

Captures and losses by British cruisers, the Secretary

presumes, have not been numerous : for the citizens of the United States having these three years past, been accustomed to look up to the government for aid in prosecuting their claims, it is not to be doubted, that generally these cases have been reported to the department of state. An abstract of such as have been communicated is annexed.

In order to present a clearer view of French depredations, it will be necessary to notice the rules which she has prescribed to her cruisers and tribunals.

As applicable to captures made since last October, the decree of the executive directory of the 2d of July, 1796, merits the first attention. It announces that the conduct of France towards neutrals, will be regulated by the manner in which they should suffer the English to treat them. At Malaga and Cadiz, the French consuls have interpreted this decree, to authorize the capture and condemnation of American vessels for the single circumstance of their being destined to a British port. But its fullest effect has been produced in the West Indies, whose seas swarm with privateers and gun-boats, which have been called forth by the latitude allowed to their depredations, by the indefinite terms of that decree, and the explanatory orders of the agents of the directory at Guadaloupe and St. Domingo. Two of these decrees have been already communicated to Congress,* and it may be only requisite here to refer to them.

At Guadaloupe an order was issued by Victor Hugues and Lebas, dated the first of February last,† authorizing the capture and condemnation of all neutral vessels bound to certain enumerated ports, which, it is pretended in the decree, were delivered up to the English, and are occupied and defended by emigrants ; and also of such vessels as should be cleared out generally for the West Indies. This decree refers to and enforces a decree of the 24th of December, 1796,‡ issued in conformity with the decree of the executive directory of the 2d July, 1796, so far as it is not departed from by that decree of the 27th of February last. The decree of the 24th December has not been received at the department of state ; but is supposed to di-

* In the report of the Secretary of State, dated the 27th of February, 1797.

† 13th Nivose, 5th year.

‡ 4th Nivose last.

rect the confiscation of the cargoes of neutral vessels, bound to or from British ports, occupied by them before the present war. For it appears, that whilst they have confiscated, both vessel and cargo, in cases which fall within the scope of the decree of the 1st of February, they have spared the vessel, and confiscated only the cargo, where she had been bound to or from such acknowledged British port.

The agents of the directory at Cape Francois, by their decree of the 27th November last, direct the capture and bringing into port of *American* vessels bound to or from British ports, there to remain until it should be further ordered. This further order was afterwards issued; as will appear by the copy of the condemnation of the ship *Pattern*, of New York; by which it will be seen, that like the consuls at Malaga and Cadiz, they interpret the decree of the executive directory of the 2d of July last, as authorizing the condemnation of American vessels, merely because bound to or from a British port.

To the foregoing, succeeded the decree of the executive directory of the 2d March last, which has been communicated to Congress during the present session. That copy of the decree was taken from a newspaper, and is now found to be imperfect. A translation from the decree, as officially published by the directory, is annexed to this report. Although we do not yet know what is its operation, yet it cannot fail to produce very great vexation and loss to the American commerce; the documents it requires to prevent confiscations, not having been before declared indispensable, or demanded, and no time being allowed for the vessels of the United States to provide themselves therewith.

Besides these several decrees, and others which being more limited the former have superseded, the old marine ordinances of France have been revived, and enforced with severity, both in Europe and the West Indies. The want of, or informality in a bill of lading—the want of a certified list of the passengers and crew—the supercargo being by birth a foreigner, although a naturalized citizen of the United States—the destruction of a paper of any kind soever—and the want of a sea-letter, have been deemed sufficient to warrant a condemnation of American

property, although the proofs of the property were indubitable.

The West Indies, as before remarked, have exhibited the most lamentable scenes of depredation. Indeed, the conduct of the publick agents and of the commissioned cruisers there has surpassed all former examples. The American vessels have not only been captured under the decrees before mentioned, but when brought to trial in the French tribunals, the vessels and cargoes have been condemned, without admitting the owners or their agents, to make any defence.

This seems to be done systematically, and for the obvious purpose of ensuring condemnations. By this monstrous abuse in judicial proceedings, frauds and falsehoods, as well as flimsy and shameless pretexts, pass unexamined and uncontradicted, and are made the foundation of sentences of condemnation.

The persons also of our citizens have been beaten, insulted and cruelly imprisoned; and in the forms used towards prisoners of war, they have been exchanged with the British for Frenchmen. American property going to or coming from neutral or even French ports, has been seized:—it has even been forcibly taken when *in their own ports*, without any pretence, or no other than that they wanted it. At the same time, their cruisers are guilty of wanton and barbarous excesses, by detaining, plundering, firing at, burning and distressing American vessels.

Official papers to prove the very numerous depredations on our commerce, and the atrocities and abuses attending the capture and condemnation of our vessels and cargoes, by French cruisers and tribunals, not having been publicly called for, few have been received. Of former claims for injuries committed since the beginning of 1793, and of which a report was made to the House of Representatives on the 27th of February last, a very small proportion had been satisfied; and for a considerable time no payments had been obtained. Under this distant and discouraging prospect of obtaining compensation, the citizens suffering by more recent French depredations, have, generally, omitted to present accounts of their losses; and they have in many cases had no opportunity of getting the evidence of the condemnations, which are attainable be-

fore the tribunals of other nations; the mock trials, as before observed, being very often carried on, and sentences of condemnation pronounced in the absence of the American owner, master or supercargo.

Such documents as the department of state is possessed of concerning these depredations, are annexed; and to them is added a concise abstract of the cases. These support the principal facts above stated, and show the nature of French depredations. To supply, in some measure, the want of official papers, an examination has been made of two newspapers published in Philadelp^eia—the Gazette of the United States, and the Philadelphia Gazette, from the first of July, 1796, to the present time. Between the 1st of July and the 1st of October, few captures were made, the decree of the directory of July the 2d, not being in general operation until October. This examination was chiefly made prior to the call of the House of Representatives for a report on this subject, with a view to ascertain the number of French captures, and the circumstances attending them; and the result of the whole is annexed. It is regretted, that the time did not permit a re-examination of those papers, to ascertain likewise the captures made by the British cruisers. The editors of those two gazettes agree in saying that no great attention was paid to the subject, for the purpose of inserting accounts of all the captures which were published in the various other newspapers; yet the number collected exceeds three hundred, of which but few escape condemnation. The evidence arising from the multiplied and concurrent publications of these facts in the newspapers, some of them certified by the American masters of the captured vessels, cannot fail of producing a conviction of the reality of the evils represented.

There have been frequent accounts of attempts to effect condemnations by bribing the officers and seamen of our vessels to swear falsely: but it was reserved to these times when offered bribes were refused and threats despised, to endeavour to accomplish the object by TORTURE. This was inflicted by a French privateer. The evidence of the fact appears in the protest of captain William Martin, master of the ship *Cincinnatus* of Baltimore, in which he is supported by the testimony of his mate and one of his seamen. A copy of the protest is annexed, together

with an extract of a letter from Mr. King, minister of the United States in London, who examined captain Martin's thumbs, and says the marks of the torturing screws will go with him to his grave. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, June 21, 1797.

DOCUMENTS.

No. 1.

ABSTRACT of two cases of capture made by British cruisers, of vessels belonging to citizens of the United States, since 1st October, 1796, and wherein documents have been received at the department of state : also a copy of a memorandum filed by Samuel Smith, Esquire, relating to captures made by the British, of vessels in the property of which he was concerned.

Note. No documents accompany the two cases of capture above mentioned, they having been sent to London in order that compensation might be obtained for the damage suffered.

The schooner St. Patrick, Robert Gardner, master, belonging to Thomas Stagg, junior, Thomas Snell, and Joseph Foulke, all native citizens of the United States, the two former residing at New York, and the latter at Curacoa, as agent of the partnership of which he was a member.

31st July, 1796, she sailed from New York, bound to Curacoa, then a colony of the states of Holland, being allies of Great Britain, with a cargo of provisions and dry goods, the property of the said owners of the vessel.

18th of August she arrived at the place of her destination, and delivered her cargo to the said Foulke, who shipped on board her, in return, a cargo of hides and goat skins, besides 5000 dollars in cash, the property of the said owners of the vessel.

About the 1st September following, she sailed for New York.

About the 15th of the same month, she was captured by his Britannick majesty's ship of war Topaze, capt. Church,

in company with the *Thisbe*, capt. Oaks, and the *Thetis*, capt. Cochran, and was by them sent for Bermuda, where she arrived on the 22d.

Proceedings were duly commenced against her in the court of vice admiralty ; and on the 4th November, the judge thereof decreed that the vessel and cargo should be restored, certified probable cause for the capture, and ordered the claimant to pay the taxed costs of the court. The captors appealed, and the master appealed for costs and damages.

The schooner *Lively*, John Clarke, master, belonging to John Gardner, junior, of the city of Philadelphia.

She was captured and carried into Martinico, where the cargo (except ten casks of nails which were condemned as contraband) as well as the vessel, was acquitted by the court of vice-admiralty, on the 27th of February.

List of captured vessels belonging to the Messrs. Smiths, &c. of Baltimore, deposited in the office of the Department of State, by General Smith, June 17, 1797.

THE ship *James*, John Smith, master, laden by Samuel and John Smith, and S. Smith and Buchanan, with a cargo of flour, 2260 barrels, which cost thirty thousand two hundred and fifty dollars, sailed from Baltimore the 1st December last ; was captured by two French frigates and sent into Guadaloupe ; the supercargo was imprisoned for several days, but afterwards released and permission given to sell his cargo, which thus sold, produced only 23,576 dollars.

On learning the ship *James* was captured, we immediately despatched our schooner *William*, Francis Smithwich, master, (then laden and about to sail for Jacmel, with a cargo which cost four thousand dollars) for Guadaloupe, with such letters to the supercargo as we supposed would be useful.—The *William* was captured off Guadaloupe, by the British, and sent into Martinique ; after a short detention she was released, but immediately after leaving Martinique, lost both masts in a squall, was then obliged to put into St. Croix to refit, and from thence having learned that the *James* was released, proceeded to Cape François, where she disposed of her outward cargo

and took an order on Jacmel, for a load of coffee, which she received, and on her voyage home was taken by the Hind British sloop of war, and sent into Jeremie, about the 13th of May; from Jeremie she was sent to Port-au-Prince for trial, where she was waiting the arrival of the judge, at our last accounts, dated 18th May. The captain writes that he had on board 100,000 lb. coffee, the value of which is about 22,000 dollars.

The brig *Gratitude*, James Clifton, master, laden at New York, by Mr. Archibald Gracie, on account and by order of Samuel and John Smith, John Hollins and S. Smith and Buchanan, sailed from thence about the 1st March last, with a cargo of beef and pork which cost dols. 9938. 36, bound to Cape François. Off fort Dauphin was boarded by the *Ceres* British frigate, and sent under convoy to the Mole, where permission being refused for her to proceed elsewhere, the supercargo was compelled to sell the cargo at publick sale, where it produced only 6451, leaving a loss of 3412 dols. 64 cts.

The brig *Abeona*, Isaac Isaacs, master, laden by Samuel and John Smith, John Hollins, and S. Smith and Buchanan, with a cargo of sundries, bound to Cape François, was boarded by the British frigate *Ceres*, captain Newman, and by her sent to the Mole, where, as in the case of the *Gratitude*, her cargo was sold at publick vendue, except such part as was said to be inadmissible at an English port, and these were ordered to be taken back to America. The sales at vendue amounted to 7947 dols. 25 cts. the candles and soap not permitted to be landed, cost 850 dollars; the cost of the cargo when it left Baltimore was 13,328 dollars. The *Abeona* returning from the Mole to Baltimore, was captured by a French privateer and sent into Jean Rabel; captain Isaacs went to the Cape and got her released, but before he could return to Jean Rabel, his brig had been cut out by the British and sent to the Mole; captain Isaacs went on to the Mole to claim his vessel; the soap and candles, before declared inadmissible, were taken out at the Mole and the brig sent down to Jamaica, for trial; captain Isaacs rose upon the prize master, and arrived yesterday with the brig. The cargo cost from hence,

	-	-	13,328
The sales at vendue,	-	-	7,947 25

Loss,	dollars	5,380 75
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The brig *Fells Point*, captain Creighton, sailed from Baltimore in March, with a cargo of flour, &c. the property of Samuel and John Smith, John Hollins, and S. Smith and Buchanan, bound to Cape François, was boarded by the British, sent to the Mole, where her cargo would not sell, it was put into store and the brig has returned, with produce, for a small advance made by the house with whom the business was left. This cargo cost 16,536 dolls. 29 cts.

The brig *Fanny*, captain Richard Fisher, laden with flour, on the account of Samuel and John Smith, John Hollins, and S. Smith and Buchanan, sailed from Baltimore for Cape François, in March; was boarded by the British and sent to the Mole; from the Mole, as his cargo would not sell at any price, captain Fisher obtained permission to proceed to Jeremie, where he writes, his cargo was equally unsaleable. This cargo cost 9,600 dollars.

The schooner *Sally*, laden with coffee, on account of John Hollins, and S. Smith and Buchanan, sailed from Petit Guave, about the 15th May, bound to Baltimore; was captured by the British, and sent into Jeremie; from Jeremie she was ordered to Port-au-Prince, where at the last accounts she was waiting the arrival of the judge. The exact value of this cargo is not known, it is estimated at 22,000 dollars.

The ship *Sidney*, captain James Parker, laden at Surinam, with coffee, sugar and cotton, on the account of Samuel and John Smith, and S. Smith and Buchanan, on her passage to Baltimore was captured about the 12th April past, and sent into St. Kitts, by the *Portland* of Antigua, a British privateer. The only letter received from captain Parker is dated 15th April; he had only just reached St. Kitts and did not know what would be her fate. Of this cargo no duplicate invoice has been received; its probable value is about 100,000 dollars.

No. 2.

DECREE OF THE EXECUTIVE DIRECTORY,

12th of Ventose, 5th year (March 2, 1797.)

THE executive directory having considered the law of the 9th of March, 1793, which, stating that the flags of neu-

tral powers not being respected by the enemies of the French Republick, and all the rights of nations being violated to its prejudice, the French people can therefore no longer fulfil towards those powers in general, the wish which they have so often manifested, and which they will constantly form for the full and entire freedom of commerce and navigation, among other regulations, ordains ;

1. That French ships of war and privateers may stop and bring into the ports of the Republick neutral ships which shall be found laden in whole or in part with merchandise belonging to enemies.

2. That merchandise belonging to the enemies shall be declared good prize, and be confiscated to the benefit of the captors.

3. That in all cases, the neutral ships shall be released as soon as the unloading of the merchandise seized shall be effected ; that the freight of it shall be paid at the rate which shall have been stipulated by the freighters, and that a just indemnity shall be granted in proportion to the time of their detention, by the tribunals whose duty it is to take cognizance of the validity of prizes.

4. That these tribunals shall be obliged, moreover, three days after their decision, to furnish a copy of the inventory of the merchandise to the minister of marine, and another copy to the minister of foreign affairs.

5. That the present law, applicable to all prizes which have been made since the declaration of war, shall cease to have effect, as soon as the enemy powers shall have declared free and not seizable, though destined for the ports of the Republick, merchandise laden on board of neutral ships, which shall belong to the government or citizens of France.

Having likewise considered the law of the 27th of July, 1793, which confirming that of the 9th of May preceding, before repealed, ordains that it shall have its full and entire execution, and that consequently all other regulations to the contrary are and remain abrogated ; which abrogation evidently comprehends the law of the first of the same month, by which the vessels of the United States of America had been excepted from the law of the 9th of May, conformably to the 15th article of the treaty of the 6th of February, 1778.

Having also considered the 7th article of the law of the 13th Nivose, 3d year, (3d or 4th of January, 1795,) which enjoins on all the agents of the Republick, on all commanders of the armed force, and on all officers civil and military, to cause to be respected and observed, in all their acts, the treaties which unite France to the neutral powers of the old continent, and to the United States of America; and adds, that no infringement shall be made of those treaties, and that all regulations which are contrary thereto, are annulled.

Considering that this last law does not derogate from that of May 9th, 1793, except in favour of those neutral powers whose treaties now subsisting with the French Republick are contrary to its regulations;—that it is consequently of importance, for the information as well of commanders of the armed force of the Republick, and of vessels commissioned by it, as of the tribunals appointed to decide on the validity of prizes, to take measures for preventing them from supposing either that treaties exist, which never have taken place, or from considering as in force treaties concluded for a determinate time, which has expired; or that they ought to execute according to the latter treaties which have been modified since their conclusion;—that to this last class particularly belongs the treaty of amity and commerce concluded on the 6th of February, 1778, between France and the United States of America;—that in fact, by the 2d article of this treaty, France and the United States *engage mutually not to grant any particular favour to other nations in respect of commerce and navigation, which shall not immediately become common to the other party*;—and that it is added by the same article, that *this other party shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional*;—that thus the regulations stipulated in favour of England by the treaty of amity, commerce and navigation, concluded at London the 19th of November, 1794, between that power and the United States of America, are deemed to have been stipulated in favour of the French Republick itself, and consequently modify in those points which are contrary thereto, the treaty concluded on the 6th of February, 1778;—that agreeably to these regulations the French government declared by its decrees of the 14th and 28th

of Messidor, 4th year (2d and 16th of July, 1796) as it is again obliged to do at this time, that it will use the just measures of reciprocity, which it had a right to exercise in this respect, in every thing which is connected with the circumstances of the war, as well as with the political, commercial and maritime interests of the French Republick;—that consequently it is necessary to ascertain, by reconciling the treaties of the 6th of February, 1778, and of the 19th of November, 1794, whatever is doubtful, concerning the cases in which this right of reciprocity may be exercised.

Considering that there have arisen, very recently, concerning the manner of proving the property of vessels and merchandise pretended to belong to neutrals, doubts and contests which would never have taken place if the ancient regulations relative to this matter had been better known; that it is consequently of importance to bring again into view these regulations and cause to be executed the 5th article of the law of the 14th of February, 1793, which shall be continued in force.

After having heard the ministers of justice, of the marine, and of the colonies,

DECREES AS FOLLOWS :

Art. 1. The commissioners of the executive directory near the civil tribunals of the departments shall take care, that in the contests about the validity of maritime captures, no judgment shall be given which is founded on the 7th article of the law of the 13th of Nivose, 3d year (3d or 4th of January, 1795) without the minister of justice having been previously consulted, conformably to the third article of the law of the 8th of Floreal, 4th year (27th of April, 1796) relative to the treaties by virtue of which neutrals might claim an exemption by means of the first of these laws, from the execution of that of 9th of May, 1793.

II. The minister of justice shall consequently examine, whether the treaties appealed to, are yet in force, or whether they have been modified since their conclusion; he shall, for this purpose, be furnished by the minister of external relations, with all the documents which he shall have need of, and shall make a report thereof to the executive directory, as is prescribed by the law of the 8th of Floreal, 4th year.

III. The executive directory reminds all French citizens, that the treaty made on the 6th of February, 1778, between France and the United States of America, has, according to the terms of the second article, been modified, of full right, by that which was made at London on the 19th of November, 1794, between the United States of America and England; consequently,

1. According to the 17th article of the treaty of London, of the 19th of November, 1794, transcribed here below (1), all merchandise of the enemy, or merchandise not sufficiently proved to be neutral, laden under the American flag, shall be confiscated; but the vessel on board of which it shall be found shall be released and restored to the owner. It is enjoined on the commissaries of the executive directory, to accelerate, by all the means in their power, the decision of contests which shall arise, either on the validity of the prize cargo, or on the freights and demurrage.

2. According to the 18th article of the treaty of London, of the 19th November, 1794, transcribed here below (2) to the articles declared *contraband* by the 24th article of the treaty of the 6th of February, 1778, are added the following articles:

Timber for ship building; pitch, tar and rosins; copper in sheets; sails, hemp and cordage; and every thing which serves directly or indirectly for the armament and equipment of vessels, unwrought iron and fir planks excepted. These several articles shall be confiscated whenever they shall be destined, or attempted to be carried to the enemy.

3. According to the 21st article of the treaty of London, of the 19th of November, 1794, transcribed here below (3), every individual known to be an American, who shall hold a commission given by the enemies of France, as well as every seaman of that nation making a part of the crew of enemy ships, shall by that act alone be declared a pirate, and be treated as such, without being allowed in any case to allege that he was forced to it by violence, menaces, or otherwise.

4. Conformably to the law of the 14th of February, 1793, the regulations of the 21st October, 1744, and of the 26th July, 1778, concerning the manner of proving the

property of neutral ships and merchandise, shall be executed according to their form and tenour.

Every American ship shall therefore be a good prize, which shall not have on board a list of the crew in proper form; such as is prescribed by the model annexed to the treaty of the 6th of February, 1778, the observance of which is required by the 25th and 27th articles of the same treaty.

5. It is enjoined on the commissioners of the executive directory to call down the rigour of the tribunals on the fraudulent manœuvres of every ship owner calling himself a neutral, whether an American, or of any other nation, on board of whose ship there shall be found, as has been many times practised in the present war, either blank sea-papers, although signed and sealed, or blank papers in the form of letters, containing the signatures of individuals, or double passports, or sea letters which indicate different destinations of the vessel, or double invoices, bills of lading, or sea papers of what kind soever, which assign to the whole or part of the same merchandise different owners, or different destinations.

6. By means of the regulations of the present decree, that of the 9th of Frimaire last (29th of November, 1796) concerning freight and demurrage, is repealed so far as relates to demurrage only.

7. The present decree shall be inserted in the journal of the laws.

The ministers of the marine and of the colonies, of justice, and of foreign relations, are charged with the execution of it, in their respective departments.

REWBELL, President.

LAGARDE, Secretary General.

(1) Art. 17. " It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemies property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder, without any impediment.

And it is agreed that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication ; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships."

(2) Art. 18. " In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms, &c. as also timber for ship building, tar, or rosin,* copper in sheets, sails, hemp and cordage, and generally whatever may serve directly† to the equipment of vessels, unwrought iron and fir planks only excepted ; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy."

(3) Art. 21. " It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act, from any foreign prince or state, enemies to the other party ; nor shall the enemies of one of the parties be permitted to invite, or endeavour to enlist in their military service, any of the subjects or citizens of the other party ; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party, to treat and punish the said subject or citizen, having such commission‡ or letter of marque, as a priate."

* The decree of the directory says " pitch, tar and rosins." [brais, goudron, et résines.]

† The decree says directly or indirectly.

‡ The decree of the directory declares that not only those Americans who take commissions of the enemies of France, but all American seamen making part of the crew of their enemies vessels, shall be treated as pirates, even though compelled by force to serve in such ships.

TRANSLATION.

PERMIT me, Mr. Consul, to reply in the French language, it will cause less delay, and the sense will be more precise.

The French Republick does and will know how to cause neutrality to be respected by its ships of war, and by her privateers, upon every point in which the neutral powers cause the same to be respected by the English. The Rover and the Nancy are detained not under frivolous pretexts, but because, according to the ordinances which serve as a rule to the French privateers, they have, more or less, come within the confiscating clause, especially the Rover. You are not ignorant that *French* merchants have an indirect interest in these vessels; therefore I cannot be deceived in my opinion by my attachment to my fellow citizens, since in this circumstance they are Frenchmen opposed to Frenchmen.

You ask me what papers an American commercial vessel should have on board to avoid running the same risk. I conceive that every merchant should, in this respect, consult the ordinances of the powers at war, relative to privateers, &c. Doubtless you will perceive that I can but imperfectly extract in a letter the ordinances of France on this subject; that it would be unfair to exact from me a task more complete than the means which I point out.

I shall only observe, because the observation in my opinion has escaped many of the merchants of this place, that the vessel should have a signed bill of lading of the whole cargo, containing her destination and names of the owners; and that in case transfers* and changes in the cargo are to take place, which require *unsigned* bills of lading, to be signed only when the cargo shall be in a definitive state, these unsigned bills of lading are insufficient, and there should be others signed, containing the cargo, such as it is, before their arrival at the place of transfer; without which the cargo would be liable to be detained and confiscated, should it not be otherwise pointed out, as well as the destination, &c. in some bill, manifest or charter party, in proper form, and signed *and on board of the vessel*. I shall add, that there should not be on board

* Transbord.

either captain, officer, supercargo, or agent, of an enemy's country; that they should not tear nor suppress any paper; that the vessel should be furnished with a passport, or paper proving the property of the vessel, &c. that upwards of two thirds of the crew should belong to the neutral country; that she ought to have proofs of the neutrality of the vessel and cargo: In a word, that in the present circumstance, she should not come from, nor even be destined to an enemy's port; the latter case exposing her likewise to confiscation, according to the proceedings of the English marine, &c. &c.

I repeat that this short enumeration is necessarily very incomplete; that it is given only from the respect I have for you, and that it will be proper to recur to the ordinances, regulations, decrees and arrets of the French government.—They are so interesting to maritime commerce that they should be familiar to all those who follow it. I pray you, sir, to be persuaded of my attachment.

Malaga, 3d Frimaire, 5th year of the French Republick, one and indivisible.

CHAMPRE.

To the Consul of the
United States of America.

No. 3.

Copies of Documents, remaining in the Department of State, relative to American vessels captured or condemned by the French, since 1st October, 1796.

BRIG DISPATCH. (Lunt.)

THE declaration and representation of Martin Parry, William Ham, and Thomas Lunt, all of Portsmouth in the state of New Hampshire, merchants and citizens of the United States of America, owners of the brig Dispatch, and cargo, captured by a French private ship or vessel of war, carried into Port au Paix, and condemned by the commission at Cape Francois, is as follows; all the said persons solemnly aver and declare, that the said brig sailed from Portsmouth aforesaid, on the 14th day of August, 1796, bound to the West Indies. That at that time, and until and at her capture and condemnation as aforesaid, they were truly and exclusively the owners of said brig and

cargo, saving only the small adventures belonging to the seamen on board. That when said brig sailed as aforesaid, the master, the said Thomas Lunt, was furnished with and possessed of a register, sea-letter, and all other papers, required by law to evidence that the property was bona fide and wholly American. And the said master, Thomas Lunt, declares, that he arrived in the said brig at Cape Nicholas Mole, on or about the 5th day of September, in the year aforesaid. That he disposed of his deck load of lumber there, and proceeded directly to Port-au-Prince, and there finished the sale of his cargo for cash, and purchased a load of molasses at L'Archaye and Buccassin plantations, consisting of 144 hogsheads, and several tierces and barrels; the whole, at the lowest estimation, containing 16,500 gallons.—That he sailed from Port-au-Prince, for home; that is, the said Portsmouth, on or about the 29th day of October, in the year aforesaid. And after beating in the Bite of Leogane for sixteen days against northerly winds and a strong current, he put into Cape Nicholas Mole, and there filled up their water, having three casks empty; and sailed from thence about the 17th day of November. That on the 18th day of the same, they were captured by the French privateer Adelaide, John Thetard master, who seized every scrip of paper they could find. And no papers were concealed or destroyed. The captors then carried the said brig into Port au Paix, and from thence the papers were all ordered to Cape François, accompanied by the master, mate, and people's declarations before the justices at Port au Paix. The master proceeded immediately to the Cape, where he got information of the day when the trial was to come on, of said brig and cargo. He endeavoured to gain admittance with an attorney, but was refused, being told that the place was sacred and no person admitted there. That on the 27th day of December now last past, he was informed by the secretary, that his vessel and cargo were condemned, but could not obtain a copy of the sentence or decree until the 7th day of January. That he made application for his own private papers and accounts, but was denied even a sight of them. That in the copy of the decree or sentence, mention is made of 16 hogsheads molasses as belonging to a Mr. Forbes a British subject, but this representation is wholly erroneous, and destitute of

foundation or evidence. There was no molasses or other property on board belonging directly or indirectly to any person or persons, but the aforesaid owners, excepting the small adventures of the people belonging to the said brig. The said master had with him papers relating to his then last voyage, which were seized by the captors, with the rest. Among these there was indeed a bill of 16 hogsheads molasses, but it was molasses purchased by the said Forbes, for the said master on the said former voyage, and had no connexion with the cargo on board. The bill was made out by the planter to Mr. Forbes, and he charged the molasses in his account current with the said master, and gave him the said bill, to show the quantity, and it was with the same account current when he was taken. He also declares that the date of said bill is erroneously mentioned in said decree, as the same molasses was purchased and received of said Forbes in April, 1796. And he conceives he could have clearly evinced all this, had he obtained opportunity to be heard, to the entire satisfaction of the commissioners the judges.

And these declarants further and unitedly say, that by the capture and condemnation aforesaid, they have suffered the loss of 14,454 dollars, at a low estimation, exclusive of captain Lunt's expenses and loss of time.

MARTIN PARRY.

WILLIAM HAM.

THOMAS LUNT.

Portsmouth, March 10, 1797.

STATE OF NEW }
HAMPSHIRE. }

UNITED STATES OF AMERICA.

Be it known that on this 10th day of March, in the year 1797, at Portsmouth, in said state, before me Daniel Humphreys, Esq. notary publick, in and for the same state, by letters patent duly commissioned and sworn, personally came and appeared Martin Parry, William Ham, and Thomas Lunt, all of the same Portsmouth, merchants, and citizens of the said states, persons to me well known and worthy of good credit, and subscribed the foregoing declaration in my presence, and being by me duly and severally sworn, on their oath did depose to be true, the things

and matters by them therein jointly, and respectively set forth and declared ; in such manner as the said declaration purports to be the affirmation of each of the deponents.

In testimony whereof, I have hereunto set my hand
[L. s.] and seal of office, the day and year last before written.

DANIEL HUMPHREYS, Not. Pub.

TRANSLATION.

[No. 1072. Dup.]

LIBERTY.

EQUALITY.

IN THE NAME OF THE FRENCH REPUBLICK.

Extract from the Registers of the Deliberations of the Commission sent by the French Government to the Windward Islands. Cape, 7th Nivose, 5th year of the French Republick, one and indivisible.

HAVING examined the minutes of the proceedings on the arrest of the brig Dispatch, of Portsmouth, captain Thomas Lunt, by the privateer Adelaide, commanded by John Thetard, from which it appears that the said brig was taken on the 27th Brumaire last, bound from Port-au-Prince and the Mole, and on her return to Portsmouth.

The declaration of Peter L'Aborde, master of the said prize, before the justice of the peace of Port de Paix, on the 27th of last Frimaire, relative to the said capture, and his being carried into the road of Port de Paix.

Also a declaration of Peter L'Aborde, and John Dalon, port warden at Port de Paix, relative to the change of anchorage of the said brig, by her captain Lunt, on the refusal of the latter to return to his former anchoring ground ; the said declaration containing a protest of the said Peter L'Aborde as prize-master of the said brig, against whatever might result from the refusal of the said Lunt. Having examined the minutes of the inventory of the papers on board of the said brig, by the said justice of peace, and seen the minutes of the proceedings in fixing the seals on board of the said brig by the said justice of peace, and the inventory of the vessel, as also the minutes noticing the said seals on board of the said brig, and the

appointment of a person to guard them ; in which minutes the said captain Thomas Lunt being asked if he had not in his possession, or on board his vessel, any papers, letters or journals, relative to his voyage, as well as the cargo with which he is laden, delivered to the justice of peace, sundry papers, letters or journals, of which he made a small packet, sealed with the seal of the said captain, and by him *paraphée*.* observing that the paper serving as a cover to them, was found by citizen Canelle, under the hat of the mate of the brig. The interrogatories answered by three of the crew of the said brig before the said justice of peace.

Having seen a stitched book containing translations into the French language of the papers of the said brig, written or printed in English and of which the following are a part.

1st. An acquittance from the customhouse of Port-au-Prince on the discharge of Thomas Lunt, captain of the brig Dispatch, dated 27th Oct. 1796.

2d. An acquittance from the customhouse of St. Nicholas Mole on the discharge of Thomas Lunt, captain of the brig Dispatch, dated 27th Oct. 1796.

A number of invoices written in the French language, of sugar and sirups, sold by sundry persons to Thomas Lunt, and of the growth of the plantations of l'Archaye and Boucassin.

In a word, having seen the French invoice of 16 hogsheads of molasses sold to Mr. Forbes, and delivered to captain Lunt, amounting to 4,457 livres, 14 sous. The said invoice being dated at Boucassin, 28th Oct. 1796, and signed by Dabadeillesse.

Considering that the minutes of the capture of said brig, of the interrogatories of the crew, the acquittances of the customhouses of Port-au-Prince and the Mole, the dates of the invoices, that in fact there is scarcely one of these papers which is not in itself a proof that the brig Dispatch sailed from ports of the colony in the power of the enemy.

Considering that the 16 hogsheads of molasses, designated in the invoice above mentioned, signed by Dabadeillesse, belonged to Forbes a known Englishman, from

* Marked with a knot or flourish.

Jamaica, of a commercial house at Port-au-Prince. The commission has decreed, and hereby does decree, that the said brig Dispatch and her cargo are good prize, and shall be sold to the profit of the captors. That therefore all persons having charge of the said brig and cargo, shall be held to deliver the same to the said captors. The present decree shall be notified to captain Lunt by captain Thetard, and for the complete execution of the present decree the captor shall make provision with the proper persons.

Signed on the Register of the Proceedings

SANTHONAX, President,	} Commissioners.
RAIMORD,	
LEBLANC,	
PASCAL, General Secretary.	

[L. S.] True Copy.

The Secretary General of the Commission.
PASCAL.

BRIG RESOLUTION.

*From Samuel and Edward Cutts, to Timothy Pickering.
Secretary of State. Portsmouth, April 3, 1797.*

SIR,—We conceive it necessary to lay before our government the state of the loss of our brig Resolution and cargo. She sailed from the port of Demarara bound to this port about the 20th of last August, and on the 29th of the same month was captured by a French privateer and carried into Porto Rico. After having been detained three months the cargo was condemned without trial, upon the frivolous pretence of their not finding such papers as they thought sufficient to prove the property American, and of her being from a port in possession of the British, notwithstanding the said vessel had every paper lawful and customary respecting herself and cargo, proving both to be bona fide American property, which papers were taken possession of by the captors immediately upon possessing themselves of the vessel, and were never afterwards recoverable by the captain, excepting the register of his vessel. His vessel was likewise restored to him, but as they had stript him of his last shilling, even to his clothes, and imposed upon him heavy charges, he was under

the necessity of disposing of her for the trifling sum^d of three hundred and twenty-five dollars to defray his expenses.

The protest, condemnation, and other papers can be forwarded as occasion may require. A statement of our loss is in the account enclosed, and we trust that restitution will be procured for us, for so flagrant a violation of our property.

We are, with all due respect, &c.

SAMUEL CUTTS,
EDWARD CUTTS.

Statement of the loss of the brig Resolution and cargo,
viz.

Value of said brig when she sailed from this port 4000

Value of the cargo had it arrived safe in port 8500

Dolls. 12500

SCHOONER DELIGHT. (Hatch)

Commonwealth of Massachusetts. Hancock ss.

BE it remembered, that on the tenth day of May, Anno Domini 1797, came before me the subscriber, notary publick of the commonwealth of Massachusetts for the county of Hancock, residing at Castine, late Penobscot, in said county, Mark Hatch, jun. master of the schooner Delight of Penobscot, and John Hatch mate of the said schooner, and made the following protest, viz. That on the 19th day of November last, he sailed from the island of Barbadoes, and on the 13th of December following in latitude 37. 30. long. 64. 30. split our jib. On December 18th, lying to in a gale of wind at N. W. split out the whole of the mainsail, above the balance reef, then put to scudding under bare poles. On the 20th December, lying to in a gale of wind at N. W. a sea struck us down on our beam ends and shifted the ballast and cargo and did much damage to the vessel, then put a scudding. On the 21st December shipped a sea over the stern, carried away the binnacle and compasses. On the 30th lying to under a balance reef main sail, split it all to pieces, then bore away for the West Indies, being in distress and out of water.—On February 17th sailed again from Barbadoes,

having repaired the vessel—On the 20th of February at two o'clock P. M. was chased by a French privateer, which came up with us at 4 o'clock—The captain of the privateer ordered me to hoist out my boat and go on board with my papers, which I did—he sent the boat back with a prize master and four hands, and brought two of my crew on board the privateer, and ordered the vessel for Porto Rico. The captain of the privateer kept the register, the sea letter, and my protest, and sent only the clearance and some letters in my schooner—I saw the captain lock the papers up in his chest—I was on board the privateer three weeks, during which time several articles of clothing, my trunk and spy glass were taken from me—I was carried in the privateer to St. John's in Porto Rico, my schooner was carried into the same place, but the prize master went down to St. Domingo and got her condemned there before the privateer arrived. The reason given for her condemnation is that there was no register, nor sea letter, and both these papers the captain had in his chest on board the privateer. My mate went to Porto Rico in my schooner, and requested of the prize master to let him go down to St. Domingo to attend the trial, he was encouraged that he should go, but was afterwards refused. After the vessel was condemned, I and my crew were put on shore, without any money or provisions, and must have perished had we not taken shelter on board American vessels in the island.

MARK HATCH, JUN.
JOHN HATCH.

Wherefore the said deponents and I the said notary, do hereby most solemnly protest against Louis Giradeau, officer of the French privateer the Vengeance, for seizing by force of arms the said Mark, his vessel, papers, and cargo. And also all others concerned in aiding and assisting in the seizure and detention of the said Mark, his vessel, papers, and cargo aforesaid, and against all the damages, losses, costs, and expenses already suffered by means thereof. In testimony whereof the said deponents have hereunto set their hands, and in faith and testimony whereof I have hereunto set my hand and affixed my notarial seal at Castine aforesaid, the day and year first above written.

[L. s.] THOMAS PHILLIPS, Notary Publick.

Value of property taken by the French privateer called the Vengeance, condemned at St. Domingo, to wit:

Schooner Delight, burden 103 tons, two years old, two suits of sails, one new,	- - -	\$ 4500
Her cargo consisting of 13 puncheons of rum, nine hogsheads of sugar, one hogshead molasses, cost in Barbadoes,	- - -	2500
Expense of master, mate, and crew in returning home,	- - - - -	200
		<hr/>
		\$ 7200

Errours excepted,

MARK HATCH.

Castine, May 13, 1791.

LIBERTY.

EQUALITY.

FRENCH REPUBLICK.

Extract from the Registry of the Secretary of the Provisional Tribunal of Prizes established in St. Domingo. 13 Ventose, 5th year.

CONDEMNATION OF SCHOONER DELIGHT.

WE, Francis Pons, judge of the tribunal provisional of prizes established at St. Domingo.

Upon examination of the petition presented to us by citizen Lewis Giradeau, officer of the French privateer the Vengeance, in the name of the captain and crew of said privateer, praying that the said schooner taken under American colours, named the Delight, by the said privateer and carried into Porto Rico, may be declared good prize. Having seen the clearance of the said schooner, dated 17th November, 1796. Having seen the other papers of the said schooner which the said citizen Lewis Giradeau has exhibited to us, consisting of some letters, accounts, &c. among which we have not found either a sea letter, nor certificate of registry of said vessel, nor the proof that she belonged to a citizen of the United States. Having observed also that those papers are the only ones which by the 25th article of the treaty of friendship and commerce between France and the United States, dated the 6th February, 1778, determines what vessels and cargoes are

American property. And what defect on the contrary shows that they are English property covered by American colours. Having seen the resolutions of the commissary of the executive power of our tribunal, and maturely considered the same.—Do condemn and declare good prize the said schooner *Delight*, with her cargo, the whole to be confiscated and sold to the advantage of the captors, by them to be disposed of according to the terms of their charter party, reserving the rights of the tribunal and of the invalids of the Republick.

PONS, Judge.

Signed at the Registry,
DESPUJEAUX, Secretary.

Examined,

DESPUJEAUX, Secretary.

THE provisional agent of the French Republick in the Spanish part of St. Domingo, certifies to all whom it may concern, that citizen Despujeaux, who has signed the above instrument is secretary to the provisional tribunal of prizes established in this city, and that faith ought to be given to his signature as well in court as without.

L'Agent Provisoire, ROUME.

LOUGY, Secretary of the Agency.

St. Domingo, 13th Ventose, 5th year, &c.

I certify this copy to be conformable to the original, having read and examined the same at Porto Rico, 17th Germinal, 5th year, 1797.

PONS, Agent Maritime, et Consul.

ROSSEL, Chancr. per intrim.

SCHOONER TWO FRIENDS, (Van Renselaer.)

TRANSLATION.

LIBERTY.

EQUALITY.

FRATERNITY.

In the name of the People of France. In the 5th year of the French Republick, one and indivisible, the 23th Ventose, in the morning.

BEFORE the undersigned publick notaries appeared the citizen W. Van Renselaer, captain of the schooner *Two*

Friends of New York, assisted by citizen Adrian O'Quin, interpreter of foreign languages in this town, who has deposited with Gaernier, one of the undersigned notaries, a declaration under private signature by him this day executed and attested by three men belonging to his crew; which paper he has requested the said Gaernier to enter formally on his minutes, that he might deliver a copy of it to whoever might require the same, which has been delivered to the said appearer, after having been certified to be true and signed and marked in presence of the undersigned notaries.

Done and passed at Jacmel in the study, the day, month, and year abovementioned; and after having been read, the said appearer signed the same with the interpreter and us the said notaries. Signed W. Van Rensselaer, O'Quin, Vallenet, notary, and Gaernier, notary.

The following is the declaration alluded to: I the undersigned W. Van Rensselaer, captain of the schooner Two Friends of New York, belonging to Mr. Thomas White, make the present declaration and protest before the notaries at Jacmel. That I cleared out at the custom house at Wilmington, on the 13th of February 1796, for Martinique, put to sea on the 15th, and on the 18th, sent back my pilot, the wind being at the south-west, and blowing a fresh breeze with a high sea, which continued until the 22d. After this time and until I reached the latitude of 26 degrees north, longitude 58, nothing happened to us until I was taken, which was on the 6th of March. At 6 o'clock in the morning I perceived three sail one of three masts, a brig and a schooner at a distance from us: the wind at the south, at 10 o'clock the schooner gave us chase, after 12 o'clock came up with us. This was a French privateer called the *Voltigeur*, captain Loumbard. She had been out from Curacoa 26 days upon a cruise, she brought us to, sent her boat aboard, took possession of my vessel and crew, sending me in the first instance on board the privateer, and, during my absence, took from my chest all my papers and a great proportion of my effects. They likewise pillaged the chest of Joseph Crouder, my mate, of the greatest part of his effects, as well as those of the crew. They took the journal and sent the mate with two seamen on board the privateer, leaving three of my crew on board the schooner; they sent a prize

master with six seamen to take her to Curacoa. Myself, mate, and two sailors being still on board the privateer, on the 8th of March at break of day a sail was descried, they gave her chase, and at 8 o'clock they overtook her. This was an American vessel, called the *Industry* of Charleston, captain Joseph Lovell, bound to Jacmel; the captain had the goodness to receive us from on board the privateer in which we suffered greatly, and we arrived yesterday about noon in the port of Jacmel, where I this day make the present declaration to serve in case of need. At Jacmel, this 28th Ventose, (18 March 1797, O. S.) 5th year of the French Republick, one and indivisible, signed on the minutes, W. Van Renselaer.

We the undersigned, Joseph Crouder, mate of the schooner *Two Friends*, and Stephen Hyter, and Spencer Morison, seamen, on board the said schooner *Two Friends* of New York, captain W. Van Renselaer—certify and attest that the above declaration of captain W. Van Renselaer is exact, and agreeable to the truth; at Jacmel, the said day, month, and year above mentioned. Signed on the minutes Joseph Crouder, Stephen Hyter, and Spencer Morison.

I certify the above to be a true copy, signed and marked by desire, of the report deposited by the undersigned notaries, this day 28th Ventose, 5th year of the French Republick, one and indivisible.

W. VAN RENSELAER,
O'QUIN,
VALLENET, Notary.
GAERNIER, Notary.

Collated,

GAERNIER.

We the captain and major part of the officers and crew of the French privateer *Voltigeur*, captain Loumbard; certify that about noon on the 16th Ventose, we visited the American schooner *Two Friends*, captain William Van Renselaer, bound from Wilmington to Martinique, and that having found on board of him a quantity of tar, pitch, and turpentine, we conceived ourselves authorized to arrest him according to the existing laws of the French Republick. In faith whereof we have delivered him these presents to serve him in case of need, and have sent his

vessel for Guadaloupe. On board the privateer at sea, the 17th Ventose, 5th year of the French Republick, one and indivisible.

PHILLIP LOMBAR,
LAUMONE,
LEWIS BREURE.

State of New York, ss.

John W. Leonard, master of the schooner Blazing Star of New York, maketh oath, that on or about the twentieth day of April last, this deponent was at Curacoa and present at a publick auction, when the schooner Two Friends of New York was sold to a captain Hathaway for the sum of seven hundred and fifty pieces of eight, to the best of this deponent's recollection; and that this deponent doth believe it was a real sale, as he saw said Hathaway afterwards in possession of said vessel and fitting her for sea.

JOHN W. LEONARD.

Sworn the 15th day of May, A.D. 1797.

Before me, JOHN KEESE,
Notary Publick, &c.

SCHOONER ZILPHA. (Briard.)

By this publick instrument of protest, be it known unto all whom it may concern, that on the day of the date hereof, before me Christopher Ellery, Esq. legally elected and engaged publick notary, residing in Newport in the state of Rhode Island, in the United States of America, cometh Samuel Briard, late master of the schooner Zilpha, of Portsmouth, owned by John Wardrobe and the said Samuel Briard, both citizens of the United States, and on his oath solemnly administered by me the said notary, deposite and declareth, that he sailed in and with said schooner from Portsmouth aforesaid, which is in the state of New Hampshire, in said United States, on the thirtieth day of November last, bound to the island of Tobago, the said schooner being laden with beef, oil, fish, lumber and other things, and properly fitted for the voyage, and arrived there on the thirty-first day of December following, that there having sold said cargo, and received in return for

the same, and for part of a cargo left there on credit in August last by John Flagg, then master of said schooner, forty-two puncheons of rum, one tierce and one barrel of sugar, on account of said Wardrobe and Briard; and also two puncheons of rum on account of said Flagg; and likewise two puncheons of rum belonging to the mate of said schooner,—he left the island on the twentieth day of February last, bound to said Portsmouth, and proceeded on his proper course for the Mona passage to the leeward of the island of Porto Rico, until the 24th day of said February, when having said passage clearly in sight, he was intercepted, forcibly seized, and detained by a privateer schooner, mounting six carriage guns, belonging to citizens of the French Republick, named the *Hirondale*, and commanded by Michael Seber, who immediately on coming up, ordered the course of the schooner *Zilpha* to be altered, and that she should steer with him close in with the land, sending his boat on board the *Zilpha* and directing the captain to come on board his privateer with all his papers, and two of his men, and putting on board the *Zilpha* a prize master and boat's crew, and conducting her after the privateer, with the said master and two men in the *Hirondale* all night, till the next morning, when both vessels came to anchor in a bay on the southwest part of the island of Porto Rico, called *Cabo Raxo*, (or *Cape Raxa*) and when said schooner was forthwith stripped of all her sails and rigging, provisions and other things; that the following day the schooner was moored by the captors close in with the shore, and the said master and crew of the *Zilpha* obliged to quit her, by order of the said commander of the said privateer, he having previously taken possession of said *Zilpha*'s logbook, register, and every other paper concerning or appertaining to her whole voyage, which papers, &c. the said captain Seber declared would be sent to St. Domingo in the island of Hispaniola, but at what time did not say, though at this time there was not even the most distant appearance of any opportunity to go down to St. Domingo; that the said master and crew of the said *Zilpha* having nothing to subsist on, for their maintenance, were obliged to go on board the brig *Resolution* then lying in said *Cabo Raxo*, which brig had before been taken by a French privateer, since sold and now commanded by captain Samuel Bowdish, of and

bound to New London, and was the only refuge for them; that the aforementioned privateer sailed on the twenty-seventh of said February, leaving said master no other satisfaction than a certificate signed by said captain, stating that he had taken said Zilpha, and declaring also that he was governed by orders from the French government in France, that all the armed vessels of France had received similar orders to those by which he acted and which authorized them to capture all American vessels going to, or coming from English ports in the West Indies; that said brig Resolution left Cabo Raxo, on the 1st day of March instant, on board of which vessel said Briard and the people of his vessel came passengers together with four other American captains, that had been captured by the French privateers; that at the port of Cabo Raxo, there was no officer acting as notary publick; and that he has not since his capture aforesaid found it possible to enter his protest before this day, being the day after the arrival of said brig in Newport aforesaid; and that his mate and people are prevented joining him in this protest, by reason of their having gone on board a vessel bound to Newbury, nearer to their homes, than the port to which said brig Resolution was bound to.

SAMUEL BRIARD.

Wherefore I the said notary at the request of the said master, who has hereunto set his hand, the day of the date hereof, in testimony thereof have protested, and do hereby solemnly protest against the capture of the aforesaid schooner Zilpha, in manner as declared by said master, as the sole cause of the loss of said schooner and her cargo, and of all further loss, detriment, and damage, already suffered or to be sustained in said schooner and her lading thereby, whether the same be borne by the owners, shippers, insurers, or any others concerned in said schooner and lading.

Thus done and protested, this 20th day of March, in the year one thousand seven hundred and ninety-seven, under my hand and notarial seal.

CHRISTOPHER ELLERY,

[L.S.]

Publick Notary.

WE the subscribers do hereby certify that on the 25th day of February, in the year 1797, being then in the island of Porto Rico, in a bay on the southwest part of said island, called Cabo Raxo (or Cape Raxa,) a privateer belonging to citizens of the French Republick, named the *Hirondale*, commanded by a captain Michael Seber, came into said port, and brought in with him the schooner *Zilpha*, Samuel Briard master, of Portsmouth, New Hampshire, having forcibly taken said schooner as a prize on the 24th instant bound to Portsmouth, then on her way through the Mona passage from the island of Tobago; and that after anchoring the *Zilpha*, the crew of the privateer by order of their commander proceeded to strip and dismantle her of her sails, rigging, &c. And at the same time, the captain informed the said Briard, that he must immediately quit his vessel with his crew, which he was obliged to do in great haste in our presence, having no other alternative, his logbook and papers of every description having been previously taken from him, and no place where he could stay on board, or on shore, to be of any further service to his late vessel, having nothing for himself and crew to subsist on, the brig *Resolution* being the only refuge presenting to them; the said captain Seber, with much reluctance, gave them permission to take with them two barrels of beef, and three of bread for seven people, refusing any more; the privateer went again to sea on the 27th instant in the morning, leaving said Briard no further satisfaction than a certificate that said Seber had captured the *Zilpha*; that the register, logbook, and all the papers, would be sent to the island of Hispaniola (to St. Domingo) for trial, and that he should continue to capture all American vessels he should meet, that were either going to, or returning from an English port, it being the orders so to proceed, to all the armed ships and vessels of that Republick, from the French government in France, and those orders and proceedings were to continue until further directions from them.

Porto Rico, Bay of Cabo Raxo, this 28th day of February, in the year 1797.

SAMUEL M. BOWDISH, late master of the schooner *Schetucket* taken by the schooner *L'Epeigle* captain Debon.

SAMUEL MOORE, late master of the brig *Resolution*, taken by schooner *Paspartante*.

GEORGE SYDLEMAN, late master of brig *Union*, left at Demarara, now a passenger on board sloop *Crisis*, captain Cook of *Norwich*, taken by the privateer *Cockle*, and carried into *Punch*, south side of *Porto Rico*.

JOHN GRANT, late master sloop *George* of *Kennebunk*, taken by the schooner *Hirondale*.

STATE OF NEW }
HAMPSHIRE. }

UNITED STATES OF AMERICA.

I DANIEL HUMPHREYS, Esq. notary publick, by lawful authority duly commissioned, constituted, admitted, and sworn, and duly exercising said office, in and for the state of New Hampshire, dwelling in *Portsmouth* within the same. Do certify to all persons to whom these presents may come, or whom they may concern, that the foregoing writing on the other side, is a true copy of an original certificate, appearing to be signed by several American masters of vessels at *Cabo Roxo*, *Porto Rico*, whose names are subscribed thereto. I having compared the foregoing copy with said original do find it exactly conformable thereto: And I further certify that on this 30th day of *March*, 1797, before me personally came capt. *Samuel Briard*, therein named, and capt. *Samuel Moore*, late master of the brig *Resolution*, and being both by me duly and severally sworn, on their oaths did depose that they saw the said original certificate signed by each of the said captains, by each one in his own proper hand writing, and that it is the very certificate they freely gave the said *Briard*. And the said *Moore* further deposes that he with the others signed the same, and that the matters and things therein set forth are just and true.

SAMUEL BRIARD,
SAMUEL MOORE.

In testimony whereof, said deponents have above set their names, and I have hereunto subscribed my
[L. S.] name, and affixed my seal of office in said *Portsmouth* the day and year aforesaid.

DANIEL HUMPHREYS, Not. Pub.

Statement of the loss sustained by the capture of the schooner Zilpha, Samuel Briard master, owned by John Wardrobe and Samuel Briard, merchants and citizens of the United States of America, and of said schooner's cargo, owned by the same persons, which schooner and cargo were captured by the French privateer named the Hirondale, on the 24th February, 1797, and carried into the island of Porto Rico to an out bay on the south side of said island, there dismantled, forcibly detained as prize, papers taken away, &c. according to a certified copy of a protest accompanying this statement—viz.

The schooner Zilpha, 95 tons, two years old, valued at		\$3,500 00
Schooner Zilpha's cargo, consisting of 42 puncheons rum, containing 4902 gal. at 1 dol. 50 cts. per gal.	7,353 00	
Deduct impost on the above	1,372 56	
	<hr/>	
	5,980 44	5,980 44
One tierce sugar, wt. 566 lb. nt. at 15 dolls. per cwt.	76 00	
Impost	8 49	
	<hr/>	
		67 51
One barrel ditto 215 ditto at 15 ditto	28 75	
Impost	3 22	
	<hr/>	
		25 53
6 barrels beef at 12 dol.		72 00
1 ditto flour	16	16 00
4 barrels bread		30 00
Cabin and other small stores		50 00
Also 2 puncheons of rum owned captain John Flagg of this town, containing 219 gals. at 1 dol. 50 cts. deduct impost	61 32	267 18
Two ditto owned by Elihu D. Lauphar mate of the Zilpha, containing 246 gals. at 1 dol. 50 cts. deduct impost	63 83	300 12
	<hr/>	
		10,308 78

We the undersigned of Portsmouth in the state of New Hampshire, merchants and citizens of the United States

of America, do hereby certify and declare, that in our opinion and judgment, the schooner Zilpha and her cargo, late belonging to the aforesaid John Wardrobe and Samuel Briard, citizens of the United States, and said to be captured on the high seas by the French privateer named the Hirondale, and forcibly detained as above—Were at the time of the capture, and when the said vessel might otherwise have arrived here, worth the full sums annexed to the above valuation.

JAMES SHEAFE,
NATHANIEL A. HAVEN.

Portsmouth, March 23, 1797.

STATE OF NEW }
HAMPSHIRE. }

UNITED STATES OF AMERICA.

BE it known to all persons to whom these presents shall come, or whom they concern, That at Portsmouth in said state of New Hampshire, on this 30th day of March, in the year 1797, before me Daniel Humphreys, Esq. notary publick, in and for the same state, by lawful authority duly commissioned, admitted, and sworn, personally came James Sheafe, Esq. and Mr. Nathaniel A. Haven, of said Portsmouth, citizens and respectable merchants of the said states, and in my presence, subscribed the foregoing certificate, on the other side, and being by me severally sworn, according to law, on their solemn oaths, did declare and depose, that in forming and making the foregoing estimate (on the other side) of the value of the schooner Zilpha and her cargo, they had acted impartially and according to their best judgment.

In testimony whereof, I have subscribed my name, and [L. s.] affixed my seal of office to these presents, in said Portsmouth, the day and year above written.

DANIEL HUMPHREYS, Not. Pub.

Statement of loss brought forward, schooner, cargo, &c.		
as estimated before	-	Dolls. 10,308 78
Provisions and stores for passage home	-	20 00
Expenses at Newport Rhode Island for a }		
protest, 4 dol. boarding 4 dol.	- }	3 00

Carried over 10,336 78

Brought forward	10,336 78
Expenses by land home to Portsmouth	- 16 00
Captain Briard's time lost, from 24th February, the time of capture, until 26th March, 1797	} 32 00
Protest certified, copied, &c. Portsmouth	
	6 00

 10,390 78

SAMUEL BRIARD.

State of New Hampshire. Portsmouth, March 31, 1797.

THEN captain Samuel Briard personally appearing made solemn oath, that the above is a just account of charges, and his loss of time incurred by capture of the schooner Zilpha.

Before me,

DANIEL HUMPHREYS, Not. Pub.

SHIP SUCCESS. (Gorton.)

By this publick instrument of protest, be it made known and manifest, that on this day the 27th of January in the year one thousand seven hundred and ninety-seven, before me Clement Biddle, notary publick for the Commonwealth of Pennsylvania, duly commissioned and qualified, dwelling in the city of Philadelphia, personally came Daniel S. Gorton, late commander of the ship Success of Philadelphia, of the burden of about 158 tons, and being duly sworn according to law, on his solemn oath, deposes and says, That the said ship being under his command and loaded at Plantain Garden River Bay, in the island of Jamaica, with a cargo of sugar, coffee, and seven casks of rum, the two latter his own adventure, he set sail from said port, on the fourteenth day of August last, bound for this port of Philadelphia; and on the twentieth day of said month steering their direct course for this port, as near as they could make the same, they were boarded and taken possession of by a French republican privateer, called the Faguse, of Gonaives in Hispaniola, commanded by Antoine Martin, and owned by one Molino, a man of colour, who took his said ship and cargo into the port of Cumberland harbour, called by the Spanish

Guantanamo, in the island of Cuba, and thence to the port of Saint Jago in said island; that he entered a protest at said port of St. Jago on the 1st of September, but being by an interpreter, and not able to obtain a full explanation, he now extends and adds thereto, that having arrived with said ship at St. Jago the first of September, soon after the privateer's crew began to plunder, and shortly after forcibly unloaded the whole of the cargo in two vessels a brig and sloop which they sent from St. Jago about the first of October, as the prize master of his ship informed him, to go to Gonaives or Cape Francois, in order to have the said goods condemned, that he presented memorials to the Spanish government at St. Jago praying that they would not suffer his cargo to be taken out or sent away without his ship, or that his case might be heard by the Spanish courts and justice be done to him as an American, sailing in an American vessel and under an American flag, to which the governour replied, that he could not refuse the said privateer to take the cargo away, but would not suffer them to land it—that he remained with the ship in charge of the said privateer's crew, till about the last of October, when the prize master informed him that the cargo had been condemned at Gonaives by order of the French commissary at the Cape, and that his ship was acquitted, but they gave him no copy of condemnation, or other papers, but that he might take his ship and go where he pleased; and then the privateer's crew left his ship, and he again took charge of her; they also gave him two hundred dollars in cash, but plundered his ship of her spare and light sails, and many materials and stores. That this deponent determined to go to the Cape Francois to seek redress, and put captain William M'Cucheon, of this port, who had been captured and brought into St. Jago, in charge of his said ship Success, and despatched her from thence on the 10th day of November last, for Philadelphia, since which he has heard nothing of said ship, except a rumour that she was at Cape Nicola Mole. That he remained at St. Jago seeking a passage for the Cape, but finding none, and being short of money, and in a bad state of health, and a rumour of a war suspending his supplies of money, he left St. Jago the 15th of November and arrived here the 20th instant, and found his said ship Success had not arrived, and now

desires to protest, requiring an act of me the said notary, to avail him when and where it may be needful and necessary.

Signed in Register.

DANIEL S. GORTON.

Whereupon I the said notary at the request aforesaid have protested, and by these presents do solemnly protest against the said French republican privateer Faguse, her owners, commander, officers and crew, for the capture of said ship Success and cargo, that all losses, costs, charges, damages, breaches of charter party and bills of loading may be submitted unto, suffered and borne by those to whom it may belong.

Thus done and protested.

[L.S.] Quod manu ac Sigillo Notarialis attestor.

CLEMENT BIDDLE, Not. Pub.

(Triplicate.)

Account of damage or loss sustained by John Barclay and James Barclay, of Philadelphia, by the capture of the ship Success, capt. Dan. S. Gorton, by the French republican privateer Faguse, capt. Anthony Martin, on her voyage from Jamaica to Philadelphia, for the loss of the cargo, and detention of the ship,

To amount of sales of 50 hhds. and 28 tierces Sugar, which would have actually neated this sum,	- - -	£.4578 1 1
To demurrage from 20th August, to 10th November, 1796, is 82 days at £9 per day,	- - - - -	738 0 0
To this sum taken up at St. Jago to pay government fees, 121 dollars,	- - -	45 7 6
		<hr/>
		£.5361 8 7

Supra, Cr.

By this sum received of the captain of the privateer who captured ship Success, 200 dollars,	- - - - -	75 0 0
		<hr/>
Balance,		£.5286 8 7

SHIP COMMERCE. (Ham.)

By this publick instrument of protest, be it made known and manifest, that on this day the first day of January, in the year 1797, before me Jacob Mayer, consul of the United States at the city of Cape Francois, personally came and appeared Andrew Frothingham, junior, owner and passenger on board the ship Commerce, of Newburyport, in the state of Massachusetts, Tobias Ham, master, and William Wetson, mate of the said ship, and being duly sworn according to law, declared and swore for truth, that they sailed from Norfolk in the United States on the third day of December last, bound for Jamaica, with a cargo of lumber, &c.—that on the 25th day of the same month, being about 18 leagues from Turks Island, they fell in with a French privateer called the Trumpeuse, commanded by la Barriere, who fired a gun, when they instantly hove too, and the aforesaid privateer came close under their stern, hailed them in English from whence they came and where they were bound; that the aforesaid Tobias Ham answered them twice, very distinctly, that he was from Norfolk in the United States, and that he was bound for the island of Jamaica, whereupon the aforesaid privateer, not being the length of the ship from them, immediately fired a broad side and a considerable quantity of small arms on board the said ship Commerce, which raked her fore and aft, crying out at the same time that if the aforesaid Tobias Ham would not strike, that he the said commander of the privateer aforesaid, would sink him. That the said Tobias Ham then repeated that the said ship Commerce was an American ship, and owned by a citizen of the United States, that he the commander of the privateer aforesaid, had wounded four of his men, and had almost made a wreck of his ship: whereupon a boat from the said privateer, came on board the said ship Commerce, with an officer and six men, ordering the aforesaid Tobias Ham, on board the said privateer with his papers, and soon after the said boat returned and carried the wounded men on board the privateer, when the boat again returned, leaving the said Tobias Ham and these deponents that night on board the said privateer; that they lay to until the next morning, and on the day follow-

ing, being the 26th day, the commander told these deponents that the said ship Commerce was his prize, and that he would send her to the Cape, and ordered an officer of the said privateer to take from on board the said ship Commerce such articles as he thought proper,—that the said ship was accordingly plundered of all the stores, cordage and almost every appurtenance belonging to her, save the long boat and yawl,—that the persons wounded, as before mentioned, were, Andrew Frothingham, junior, one of these deponents, in his thigh with a six pound ball, Shubal Baxter, seaman, in his leg with a ball, and Joseph Whitfield, seaman, in his forehead with a splinter of wood; that they moreover found in the said ship Commerce's deck two six pound balls, and near forty musket balls, and fifteen grape shot in one hole in their mizzen mast: that the said ship was materially injured in her masts, rigging and sails, and her stern almost tore to pieces; and finally, they these deponents, together with three seamen belonging to the said ship Commerce, remained on board the said privateer five days, when she fell in with captain Stotsbury of Philadelphia, bound to the Gonaives, from St. Thomas's, whom the commander of the said privateer forced to take on board these deponents, together with three seamen aforesaid, and part of the crews of five American vessels, which had been captured some time before by the said privateer, with orders to the said captain Stotsbury to land them at this port, where they accordingly arrived on the 31st day following, and now desire a protest, requiring an act of me the said Jacob Mayer, to avail them when and where it may be needful and necessary.

ANDREW FROTHINGHAM, JUN.
WILLIAM WETSON.

Whereupon I the said Jacob Mayer, at the request aforesaid, have protested, and by these presents do protest against the said captain, and for the damages thereby occasioned to the said ship Commerce and cargo, that all losses, costs, charges and damages suffered, or to be suffered or sustained thereby, may be submitted unto, suffered and borne by those of right it shall or may belong.

This done and protested at Cape Francois, aforesaid, in testimony whereof, I have hereunto set my hand and

affixed my seal, this first day of January, one thousand seven hundred and ninety-seven, the day and year first above written.

[L.S.]

JACOB MAYER.

The above is a copy of a protest made by Andrew Frothingham and Wetson in the Cape, St. Domingo.
SILAS TALBOT.

SHIP NANCY. (Dill.)

Baltimore County.

CAME before me the subscriber one of the Justices of the Peace for said county, William Fearson, mariner, who made oath on the Holy Evangelists of Almighty God, that on the 25th of March last he was taken (in the ship Nancy, capt. Dill, bound from Savannah to Cape Nichola Mole) by a French privateer off the mouth of Port de Paix, the captain and part of the crew were detained on board the privateer; this deponent, with the mate who was sick, and the remainder of the crew were stripped of their clothes, even the shirt from his back, and drove below, beating him with a cutlass, using at the same time the most opprobrious and insulting language, we were closely confined with an allowance of bread and water, and taken by the aforesaid privateer into Jean Rabel, where the ship with her cargo was condemned, and this deponent stripped of his property to the amount of four hundred dollars, and left destitute of every thing to obtain the common necessities of life; and but for the generous assistance of capt. Little, an American, he would have been imprisoned; likewise by the same captain's assistance he was enabled to reach this place.

May 13, 1797. Sworn to before J. SMITH.

BRIG ALMY. (Cutter.)

Jamaica, ss.

MITCHELL CUTTER, master of the brigantine Almy of New York, being duly sworn upon the Holy Evangelists of Almighty God maketh oath and saith, that he sailed from Montego Bay, in the island of Jamaica aforesaid, on

the eighth day of October instant, bound for New York aforesaid, laden with a cargo of rum, coffee and pimento, the said brigantine being tight, staunch and every way properly equipped and manned for her said voyage—That nothing material occurred until the 12th following, being then off the north east end of the said island, was brought to and captured by two French republican privateer schooners, who fired thirty shot at the said brigantine, although she was and had been some time previous lying to for them—That they ordered the said brigantine's boat to come along side of them, which was accordingly done, when they detained the mate and two seamen, with the ship's register, and sent a prize master and three seamen on board of the said brigantine until the thirteenth instant when she was recaptured by his Britannick majesty's ship Jamaica, ——— Brooking, Esq. commander, and carried into the port of Kingston, in the said island, where she arrived on the 18th instant.

MITCHELL CUTTER.

Sworn at Kingston aforesaid this 20th day of October, 1796, before me,

J. WELSH.

BRIG LADY WALTERDORF. (Gutterson.)

City of Philadelphia, ss.

JOHN GUTTERSON of Philadelphia, late master of the brig Lady Walterdorf, duly sworn, deposes and says, that he sailed in the said brigantine from Demarara bound to Philadelphia on the first day of March last with a cargo consisting of sugar, rum, coffee, cotton, and vinegar, belonging to Robert M'Kean of Philadelphia, which cargo was purchased by Mr. George M'Guffin, the supercargo, as the returns for the outward bound cargo; that the said brigantine was the property of Mr. Joseph Syms of Philadelphia, that on the 5th of the same March he was captured in the said brigantine ten leagues to the n. w. of Martinique by the French privateer Poline, captain Amuline, belonging to Bassaterre, Guadaloupe, that the crew of the said privateer took from on board the said brigantine this deponent and all his crew, excepting his mate

and a seaman, and carried her to Bassatterre, where he this deponent arrived on the 19th of the same month in the said privateer; that on his arrival he found the vessel and cargo which had been previously brought in had been condemned, and the greater part of the cargo unloaded and sold; that this deponent understood that the cause of the condemnation was because he was coming from Demarara, a port which formerly belonged to the Dutch, and which was then in the possession of the British; that in truth the brigantine on her outward bound voyage was destined for Surinam, but being ten or fifteen leagues to the eastward of Surinam, she was stopped by the British sloop of war Favourite, which forbade her entering and endorsed her papers; that on this account she put into Demarara as the nearest port; that on the day of the condemnation the mate and seaman who had been left on board the brigantine were put into prison, and on the arrival of the privateer the rest of the crew (except this deponent) were also put in prison; that this deponent on his arrival at Bassatterre was turned on shore without money or friends, and was left in a destitute situation for eight days, when he was fortunate enough to meet a gentleman from St. Croix, who advanced him money for his necessity on the credit of his owner; that all the deponent's property on board the brigantine was taken from him except some of his clothes; that when an American vessel is brought into Guadaloupe, the crew is detained on board of her or the privateer until the sentence takes place, which if it be for condemnation has the effect of causing the crew to be removed to a gaol where they are detained as prisoners of war, on an allowance of half a pound of bread and two ounces of fish per day; that it is not permitted for any one to visit them in their confinement, which is in all respects more severe and cruel than that to which British prisoners are subjected, many of whom are permitted to walk about the streets, and all of whom generally have their private property restored to them; that several Americans were sent to Martinique to be exchanged for Frenchmen whilst this deponent was at Guadaloupe, and that some had been returned as Americans, for whom the British would make no exchange; that among the latter there were three little boys the older of whom was about fourteen years of age; that when

this deponent arrived at Bassatterre he found there an American built vessel called the Hannah of New York, which from her built he has no doubt was intended for a privateer, she was pierced for fourteen or sixteen guns; that this deponent was acquainted at Bassatterre with one capt. Robert Stanton, who has a wife and family at New York, and who told deponent, that he had carried the said schooner Hannah out from New York; that deponent was told by one Branham (who as well as this deponent boarded in the same house with the said Stanton) that Stanton had told him the Hannah belonged to the house of Ingraham in New York, who had put her in the charge of Stanton to carry her to Guadaloupe, and there make the best of her, that some days after deponent arrived at Guadaloupe, said Stanton sold the Hannah for a privateer to one Williams (who told deponent he was an American, and had sailed out of the port of Philadelphia) for seven hundred half joes; that on the second of April, when deponent left Guadaloupe, Williams had the privateer nearly fitted for sea, and was to sail in her in a day or two as commander, that said Williams together with another American of the same name is owner of another privateer which the one last named commands; that deponent thinks the privateer Hannah must have arrived at Guadaloupe about the latter end of February or beginning of March.

JOHN GUTTERSON.

Sworn the 2d day of May, 1797, before me,
HILARY BAKER, Mayor.

BRIG ELIZA. (Francis.)

United States of America. State of New York, ss.

By this publick instrument of protest be it made known and manifested unto all persons to whom these presents shall come, or may in any wise concern, That before [L.S.] me John Keese, notary publick for the state of New York, by letters patent under the great seal of the said state, duly commissioned, personally appeared Daniel Francis, master of the brigantine Eliza, of New York, who being by me duly sworn according to law, deposed that he sailed in the said brigantine on the 25th day of

December last, from New London bound for the windward West India islands : That in the prosecution of the said passage, on the 16th day of Jan. last, in latitude 15 degrees 15 minutes and longitude by account 59 degrees the said brigantine was captured by two French frigates belonging to the French Republick, one of them called the *la Pancy*, commanded by Vatto, the other called the *Thetis*, commanded by Bardwin, who took from the said brig *Eliza*, William Bery, the mate, and David Squire, Hugh Fitzgerald, Henry Doughty, Toby Rowin and John Forceman, mariners of said brigantine, and put a prize master and five men on board and ordered them to take the said brigantine *Eliza* into Guadaloupe ; that on the 20th day of said month of January the said brigantine was anchored in Bay Mabeau in the island of Guadaloupe, and on the 25th day of said month her cargo was sequestered. That on the 14th day of February the whole of said brigantine's outward cargo aforesaid having been got on shore by the French, the deponent was permitted to take charge of her again—On the 15th day of February he went to Bassaterre, and got the register, sea letter, &c. of the said brig from the tribunal, and also got back the mate and all the mariners aforesaid, except Henry Doughty who had been sent to Martinico, and exchanged as an English prisoner.

And the said deponent further deposed, that he doth fully believe the said Henry Doughty was born at Boston in the state of Massachusetts, and is a citizen of the United States of America ; that the said William Bery is a native of the state of Pennsylvania, and also the said Fitzgerald ; That the said David Squire is a native of the state of Connecticut, known to this deponent from his youth, they being townsmen ; that he believes said Toby Rowin is a native of Portugal, and said John Forceman of Sweden—And the said Daniel Francis being desirous to give every satisfaction in his power to the persons interested in said brig and cargo in the voyage aforesaid, and also to comply with the act of the Congress of the United States of America respecting the impressment and detention of American seamen, hath on the foregoing premises before me in due form protested, and by these presents doth protest against the commanders and crews of the said French frigates and all others whom it doth or may

concern for the seizure and detention of the said brig and her cargo as aforesaid, and for the detention of the said Henry Doughty, and sending him to Martinico as an English prisoner of war ; and for all loss, costs, damages and injury that hath happened and accrued or that may happen and accrue by reason and means aforesaid.

Thus done and protested at New York aforesaid. In faith and testimony whereof the said Daniel Francis hath hereunto subscribed his name, and I have hereunto set my hand and affixed my seal of office at New York the third day of April, A. D. 1797.

DANIEL FRANCIS.

JOHN KEESE, Notary Publick, &c.

TRANSLATION.

SHIP ELIZA. (Burton.)

Extract from the Registers of the Secretary of the Municipality of Bassaterre, Guadaloupe.

THIS day, the 6th of Ventose, 5th republican year, in the morning at the municipal office of Bassaterre, Guadaloupe, in which assisted the citizens Patriat, mayor, Négré, national agent, Bazin, municipal officer in service, together with the secretary—Appeared Mr. Peter Burton, capt. of the American ship Eliza, anchored in this road and ready to sail for the place of her destination.

Who assisted by the interpreter of the English language, and under the faith of an oath then administered, declared that he sailed from Barbadoes on the 6th of February, 1797, (old style) bound for Norfolk in Virginia, with a cargo of twenty-five casks of raw sugar and twenty-four hogsheads of rum belonging to John Proudfoot, merchant at that place, and a citizen of the United States ; that on the 14th of the said month he was met by the privateer Flying Fish, captain John Johnston, arrived at Bassaterre, who took on board a part of his crew, and sent in their stead a prize captain and crew, with orders to take possession of the vessel and to proceed for Bassaterre, where he arrived a few days after ; that he, the appearer, and part of his crew were interrogated by the municipality of the said town, and afterwards a judgment of the commercial tribunal was interposed declaring the cargo of the

said vessel to be good prize and liberating the vessel with permission to pursue her destination.

Wherefore as well for himself as in the name of his owners and others interested in the ship *Eliza* and her cargo, he demands an act of reservation and protest, which he executes as well on account of his arrest and being brought into this road, as on account of the confiscation of his cargo, and generally, for all wrongs, damages, detention, expenses, costs and losses which he suffers by the said arrest and confiscation, as also for whatever may happen to him until he shall have arrived at his destination, reserving to himself to make use of the said reservation and protest, against whom, before whom and wherever it shall be requisite—which has been given him by the municipal office, and which the appearer has signed with the interpreter, the members of the office and the secretary—thus signed on the registers, Peter Burton, Bernier, interpreter, Patriet Maire, Nègré, national agent, Bazin, municipal officer, Patriat, secretary—an erased word void.

Collated,

DESCHAMPS, R. Secretary.

I CANUT ROBINSON, municipal officer of the commune of Basseterre, Guadeloupe, performing in this quarter the functions of mayor, in the absence of the mayor, certify and attest to whom it may concern, that the signature to these presents is that of citizen Deschamps, recording secretary of the municipality of Basseterre—that to it faith is and should be given as well as to every thing which he signs in the said quality, as well in as out of judgment.

In testimony whereof I have signed these presents, which shall be countersigned by the said recording secretary, and sealed with the seal of the tribunal.

I further certify that the comptrolled and stamped paper are not used in this island.

Given in the commons house of Basseterre, Guadeloupe, the seventh of Ventose, 5th Republican year.

DESCHAMPS, R. S.

[L.S.]

ROBINSON, Mayor in this quarter.

Received 54 livres for copy.

TRANSLATION.

SHIP ELIZA. (Burton.)

The Ship Eliza, }
 prize to
 The Flying Fish. }

Extract from the Registers of the Tribunal of Commerce established in the Island of Guadaloupe, sitting at the town of Basseterre, in said Island.

WE the judges of the commercial tribunal having seen the papers which have been laid before it concerning the prize made by the privateer Flying Fish, captain John Dubain, of the ship Eliza, captain Peter Burton, having also seen the declarations and interrogatories answered at the municipality of this town, and after having heard upon the subject the citizen commissioner of the executive directory near the said tribunal, and his conclusions, as also the report, and considered the whole, the tribunal declares to be good prize to the profit of the captors, the cargo of the ship Eliza, consisting of sugar and rum, of the produce and manufacture of Barbadoes, and that conformably to the arret of the agents of the executive directory of the 4th Nivose last—they therefore order that the said cargo be delivered to whoever has a right to the same, to be disposed of as belonging to him, an inventory thereof being previously made.

They order that the said ship Eliza be delivered up as property of American citizens, and therefore give up the same, together with her tackle and apparel, to the said captain Peter Burton, ordering all persons who may have custody of the same, to deliver her, and the papers concerning the property and navigation of the said vessel, to the said captain, under pain of punishment—

Order, &c.

Done and judged by us Victor Croizier, president; Domingue Romain, Guillaume Corlet, judges; and Gaetan Bazin, surrogate judge of the said tribunal, the second of Ventose, in the morning, 5 year of the French Republick, one and indivisible, signed on the register, Croizier, president. D. Romain. Corlet, and Bazin.

Collated,

LATRIERE.

Copy for captain of the }
vessel delivered up. }

I VICTOR CROIZIER, president of the commercial tribunal established in the island of Guadaloupe, sitting at the town of Basseterre, in said island, certify and attest to all whom it may concern, that Latriere who has signed the copy of judgment hereto annexed, is secretary of the said tribunal, that faith should be given to his signature as well in as out of judgment—I also certify that the stamped paper is not used in the colony. In testimony whereof I have signed these presents with the said secretary, and have affixed hereto the ordinary seal of the said tribunal.

Done at Basseterre, the 3d of Ventose, in the 5th year
of the French Republick, one and indivisible.

[L.s.]

CROIZIER, President.

Sealed at the said town of Basseterre, the said day and
year. L'ATRIERE.

Received 66'' for writings concerning the business.
L'ATRIERE.

TRANSLATION.

SHIP PATTERN. (Boal.)

THIS day the 24th Nivose, 5th year of the French Republick, one and indivisible, appeared before the notary publick of the town and dependencies of Fort Liberty, in the island and coast of St. Domingo, and northern part, there dwelling, the undersigned and in presence of the witnesses hereafter named and also undersigned. Henry William Boal, captain of the American ship Pattern, anchored in this road, where she was brought by citizen Fagoude, prize master, and making part of the crew of the French privateer Trompeuse, who captured her at four leagues to the northward of Square Handkerchief on her way to Jamaica, assisted by John Stuart, his interpreter, the said Henry William Boal presented himself to us the undersigned notary, the day after his arrival in this port, in order to make the present declaration through us, which

we could not receive for the want of an interpreter, the sworn interpreter of the port being absent, who said that on the 9th current or 28th of Dec. (O. S.) at noon, he was met at four leagues to the northward of Square Handkerchief by the French privateer *la Trompeuse*, captain Antoine Barriere, bound for Jamaica; which privateer being within hailing, asked whence they came, to which they replied, from New York—where were they bound? to Jamaica; that then the privateer put out her boat with five men and an officer, and that on coming aboard, the officer asked for the clearances and invoices, which were immediately produced; that he then sent all his papers on board the privateer by the appearer's mate, that after having examined his papers, the privateer sent on board six French seamen and a prize master, to conduct the vessel, and detained on board his mate and five of his men, and left only the appearer, his brother, two boys and a cook on board his vessel; that the privateer chased him under English colours, which he kept flying until he was along side, which is contrary to the laws of war, for no armed vessel has a right of visiting another at sea, especially when she is under a neutral flag, without bearing the flag of her nation, and that he even confirmed the English flag under the firing of a gun; that the next day he was carried into Mont Christy, where he was detained nine days, and that on the tenth he was conducted into this port; that on the seventh day after his arrival at Mont Christy, the Frenchmen who were on board of his vessel broke open the main hatchway whilst he was on shore, that he is ignorant of what they have taken, but that it appears that there are missing four hogsheads of codfish, one hogshead of rice, two barrels of flour, and nearly all his provisions, as well as nine or ten barrels of salted meat forming a part thereof; that they have likewise taken a new studding sail, a coil of cordage, two pair of studding sail gears; but that further, he does not know, but one may be convinced when the cargo is discharged on comparing the articles on board with the invoices of the lading, wherefore he makes the present declaration as well for his use to be produced and avail where it ought, and reserving to his owners, their recourse against the owners and captain of the said privateer, for the depredations committed on board of him by the said crew; as for the

detention and extraordinary expenses he has been obliged to submit to.—That the appearer on seeing the provisions taken from on board, asked the prize master to give him a sufficient quantity for his voyage from Mont Christy to the continent, upon which he gave him six barrels of biscuit, and three barrels of salted beef for himself and crew.

Done and passed at Fort Liberty, in our chambers, the said day and year above mentioned, in the forenoon, in presence of the citizens Jean Casaux and Alexander Beochard, merchants in this town, witnesses, expressly requested and called upon, who after reading, signed the same with the appearer, John Stuart, interpreter, and us notary, thus signed on the minutes of these presents, Henry William Boal, John Stuart, J. Casaux, Brochare and Derieux, notary.—Collated,

DERIEUX, Notary.

TRANSLATION.

[No. 1296.]

LIBERTY.

EQUALITY.

IN THE NAME OF THE FRENCH REPUBLICK.

Extract from the Register of the Deliberations of the Commissioners delegated by the French Government to the Windward Islands, at the Cape, the 15th Pluviose, 5th year of the French Republick, one and indivisible.

HAVING seen the minutes of the proceedings on the capture of the ship Pattern of New York, captain Henry William Bool, taken on the 8th of Nivose last, by the privateer Trompeuse, captain Barriere. The proceedings on the said prize by the justice of peace at the Cape.

Having seen the register of the said vessel delivered at New York on the twenty-second of November, 1796, under the command of Henry William Bool. The sea-letter in three languages, French, English and Dutch, delivered at New York on the 6th of December, 1796, for the said vessel, under the command of the said Henry W. Bool, and containing her destination as for Jamaica. The clearance of the said vessel dated New York the 6th of December,

1796, delivered to captain Henry William Bool, and indicating her destination for Jamaica.

Having seen a number of bills of lading of sundry shippers on board of the said vessel, of merchandises destined for Jamaica.

Considering that it results as well from the interrogatories submitted to in the said proceedings by the captain and others of the crew of the said ship *Pattern*, as from certain papers above related, and is evidently proved, that the said vessel was expedited for Jamaica.

Considering that the resolution of the executive directory of the 14th Messidor last, prescribed to all captains of vessels of the Republick and those of individuals armed as privateers to treat neutral vessels in the same manner they should permit themselves to be treated by the English.

Considering that it is notorious that the agents of the British government in the West Indies respect no neutrals; that this notoriety is confirmed by a number of declarations or proofs deposited with the secretary general of the commissions.

Considering that it was not until after the official notification of the said resolution of the executive directory, and after the notoriety of the conduct of the British agents in the West Indies, towards neutral vessels, that the commission according to its decree of the 18th Nivose last, declared good prize all neutral vessels going to or coming from English ports.

The commission has decreed and does decree that the said ship *Pattern* of New York, captain Henry Wm. Bool, captured on the 8th of Nivose last, by the privateer *Trompeuse*, captain *Barriere*, and brought into the road of the Cape, is good prize, together with her cargo and every thing belonging thereto, and that the whole shall be sold for the benefit of the captors and interested in the fitting out of the said privateer, that in consequence all persons having custody of the said vessel and her cargo, are held to deliver up the same to the captor, captain or his representative.

The present decree shall be notified to the captain of the said ship *Pattern*, by the captain of the said privateer or his representative.

And for the complete execution of the present decree, the captor, captain or his representative shall make proper provision.

Signed on the Register of the Proceedings,
SANTHONAX & RAIMOND, Commissioners.
PASCAL, Secretary General.

True copy.

The Secretary General of the Commission,
[L. s.] PASCAL.

BRIG AMERICAN. (Town.)

By this publick instrument of protest, be it made known and manifest, that on this twenty-ninth day of May, in the year one thousand seven hundred and ninety-seven, before me Clement Biddle, notary publick for the commonwealth of Pennsylvania, duly commissioned and qualified, dwelling in the city of Philadelphia, personally appeared Thomas Town, junior, commander of the brig American of Philadelphia, and declared and averred for truth that the said brig being loaded with a cargo consisting of dry goods, glass, and earthen ware, twine, cheese, fifty casks of wine, seven hundred and ten barrels of flour, and shaken casks for coffee and molasses, amounting to eight thousand five hundred and forty-seven pounds four shillings and ten pence half-penny, Pennsylvania currency, the property of Norris and Hall, of said city, merchants, and citizens of the United States of America, and consigned to this appearer, that he set sail with said vessel under his command, and with said cargo on board, from this port of Philadelphia, on or about the 30th of October last, cleared for the island of St. Bartholomews, but bound for Marigalante, and having touched at Marigalante and been refused liberty to trade, he proceeded to Point Liberte, formerly Point Petre in Guadaloupe, where he arrived the 20th day of November, and made sales of his cargo here loaden and received on board in returns for the same, a cargo of coffee, cotton, and sugar, with which he proceeded for the island of St. Thomas, and arrived there on the fifth day of January last, and having there made sale of his said coffee, cotton, and sugar, he converted the same into dry goods to the value of six hundred and fifteen dollars and a half. ninety-eight bar-

rels of flour purchased from the cargo of the brig Nancy and Jane of Baltimore, and sixteen thousand dollars (a few dollars more or less) in Spanish silver dollars, all which he loaded on board at St. Thomas's arising from the said cargo loaden at Guadaloupe, which arose from the said cargo so loaden as aforesaid at this city of Philadelphia, and was the sole property of the said Norris and Hall; and that he set sail in said brig with the same dry goods, flour and dollars on board from St. Thomas on the 22d day of January last, bound for Cape François, and that having arrived off Monto Christo, he was chased by a British man of war, brig and cutter, which forced him to pass the Cape and run for Port-de-Paix, where he arrived on the 26th day of January last, and on the 27th of same month the officers of said Port seized his papers and sent them to the commissary at the Cape, on which this appearer went to the Cape, where he arrived on the 31st of January, and his papers were returned and declared by the commissary Sonthonax *to be in good order*, on which he returned to Port-de-Paix, and on his arrival there found a guard of soldiers on board his vessel, and was informed that his money should be taken from him and deposited in the publick treasury, but that he should be paid for the same in coffee; and this appearer thereupon in presence of Andrew Donaldson, his mate, Benjamin Howard, his steward, and captain Thomas Cunningham, of Baltimore, then on board his vessel, shut up the door of his cabin in which the said money was under his bed, and placed four seals on the lock of the door; that on Sunday morning, the fourth day of February, certain officers of the administration of Port-de-Paix came on board his said vessel, and demanded his said money, which this appearer refused to deliver, declaring it was the property of his owners; but the said officers forced the door of his cabin, and forcibly took the said money amount fifteen thousand four hundred and forty-nine dollars therefrom, and which they carried to the shore in presence of the said captain Cunningham, first promising to deliver him coffee in return for the same; and in a few days after they forcibly took from him the said ninety-eight barrels of flour, promising to pay for them also in coffee—and that this appearer went to Cape François, and presented a memorial to Sonthonax, the civil com-

missioner for the Republick, on the 13th day of said month of February, to which he gave for answer by a letter to the chief of administration at Port-de-Paix, and ordered him to pay the appearer in coffee at twenty-three sols per pound; on which this appearer returned to Port-de-Paix, presented the letter from Sonthonax to said chief of the administration, and continued to solicit the restoration of his money, or payment in coffee, but without success; and finding no prospect of obtaining redress, and being in want of provisions, on the 10th of March he went with his vessel from Port-de-Paix to Cape François, and arrived there on the 13th or 14th, and presented a memorial to Sonthonax on the 19th of March stating his case, and demanding a supply of provisions and money to pay his seamen and expenses; and that he might have payment of his demands out of the cargo of the brig *Thetis* taken into Cuba and there condemned; to which the said Sonthonax ordered him back to Port-de-Paix with recommendations in his favour to the ordonnateur, on which this appearer returned with his vessel to Port-de-Paix, in hopes of obtaining a cargo of coffee, and arrived there, and continued to solicit for the same but without effect; but had received small supplies of provisions for his crew from the administration; that on his return he found no prospect of relief, and on the 27th of March he again went by land to Cape François, and on the 30th presented another memorial to Sonthonax, praying his definitive orders; to which he sent back the petition, with orders to the ordonnateur "*to make payment in fifteen days at latest, in the whole sum, in colonial produce;*" on which this appearer again returned to Port-de-Paix and continued to solicit payment from the administration there, and obtained about thirty-five thousand livres in coffee and duties, and provisions for his vessel. He then found no prospect of further relief, and being nearly out of provisions, having refused to sign the verbal process which the officers of administration offered him; and having made a protest there, but not fully, as he only could do it through the medium of a French interpreter who understood but little English, and despairing of any success in obtaining payment by further delay, he set sail from Port-de-Paix on the 13th inst. and arrived here with his said brig *American* at this port on the twenty-seventh

inst. and now desires to protest, requiring an act of me the said notary to avail him when and where needful and necessary; and on the fifth of June, in said year, appeared Andrew Donaldson, mate, who, as well as said captain, being duly sworn on their oaths respectively, depose and say, that the facts herein set forth are just and true—the said mate, to what passed on board said vessel only.

[Signed in Notarial	}	THOMAS TOWN, JUN.
Register.]		ANDREW DONALDSON.

Whereupon I the said notary, at the request aforesaid, have protested, and by these presents do solemnly protest as well against the administration at Port-de-Paix as against the commissary of the French Republick and their officers at Cape François for the unjustly and forcibly seizing and taking away the said money and flour from said brig American and unjust detention of the said brig under promises of payment for the same; that all losses, damages, costs, charges, breaches of charter party and bill of loading suffered or to be suffered or sustained thereby may be submitted unto, suffered and borne by those to whom of right it may belong.

Quod Attestor.

CLEMENT BIDDLE, Not. Pub.

SHIP KITTY. (M^cPherson.)

On this twelfth day of June, in the year of our Lord one thousand seven hundred and ninety-seven, before me, Clement Biddle, esquire, notary publick for the commonwealth of Pennsylvania, duly commissioned and authorized by law, to administer oaths and affirmations, dwelling in the city of Philadelphia, personally came Thomas Crawford, Isaac Williams, James Watson, Mathias Christian Brek, late seamen of the ship Kitty, of Philadelphia, Hugh Macpherson, master, who being duly sworn according to law, on their solemn oaths depose and say, That the facts set forth in the annexed deposition or declaration, by them subscribed, in two pages, are just and true.

In testimony whereof I have hereunto set my hand
[L. s.] and affixed my notarial seal, at Philadelphia,
the day and year above written.

CLEMENT BIDDLE, Not. Pub.

FIVE scamen belonging to the ship *Kitty*, of Philadelphia, captain Hugh M'Pherson, who declares the following to be the truth, and nothing but the truth.

The ship left the Isle of France on or about the 9th of November, 1796, and nothing material happened but meeting with heavy gales of wind, until we were met with, near Cape Lagullus by his Britannick majesty's ships *Jupiter* and *Sceptre*, commanded by commodore Losack and captain Alexander, who put two lieutenants on board said ship and eight British mariners and took possession of said ship *Kitty*, and brought her under convoy forcibly into the Cape of Good Hope, where they arrived on or about the first of January, 1797, where we understood from the captain, officers and supercargo, the ship underwent an examination and was acquitted. The English pressed three men, which were replaced accidentally by three Dutch mariners. The heavy and boisterous weather we experienced caused the vessel to leak in her upper works, and it was therefore found absolutely necessary to have her caulked, and purchase some sails, they were also in want of some provisions, which they bought at the Cape, beef, bread and fresh provisions, and being short of water, we were there supplied. After supplying ourselves with what was requisite for the continuation of our voyage to Philadelphia, we proceeded on or about the 3d February, and nothing material happened until on or about the 30th March, when we were boarded and taken by the French privateer *L'Espiegle*, capt. Ant. Daubon, although the captain of the *Kitty* hailed to the privateer, that he was from the Isle of France and an American vessel, having the colours of the United States hoisted at the mizzen peak. Captain Daubon ordered capt. M'Pherson to hoist out his boat and come on board of him, using at same time, blasphemous language, of damn your eyes, hoist your boat out, and while the undersigned and the rest of the crew were busily employed in doing so, the privateer manned his own boat with seven men and a prize master who immediately took possession of the vessel by their turning away the man from the helm and placing one of their own in his room. The prize-master demanded the papers belonging to the ship afterwards which were delivered him, and were sent

on board the privateer, together with captain M'Pherson, in her boat, to undergo an examination as they said. After detaining the captain on board some hours, he and capt. Daubon, with capt. Daubon's lieutenant and some more people returned on board and demanded of capt. M'Pherson, Mr. Chs. D. Cox, supercargo, and every other person on board, their papers, which was complied with we believe, and soon after the captain of the privateer getting on board, we observed him and his officers throw overboard a number of papers which we saw afterwards floating on the water.

The second day after the Kitty was taken, the captain of the privateer with his men made a general search throughout the vessel, the crews bedding and chests not being exempt from their scrutiny, they altered the course of the ship immediately on taking possession of her, for the West Indies, in one of the islands of which, Porto-Rico, we arrived on or about the 3d of April, 1797, the privateer L'Espiegle still continuing in company with us.

On the privateer's people attempting to hoist an English East India Company's flag on board the Kitty, when in sight of the harbour of Porto Rico, we as well as the whole crew came aft on the quarter deck and protested against such colours being hoisted on board our ship as we disavowed them, not acknowledging any but those of the United States of which we were citizens, but to no effect, as the prize-master and French mariners persisted in their intention of hoisting them reversed. On our arrival at Porto-Rico, and for nearly twelve days after, we were not permitted to go on shore, nor the supercargo, or have any intercourse whatsoever with the shore. A few days after the town was besieged by the British, when we, the captain, supercargo and rest of the crew were taken from on board the Kitty, guarded by a number of Spanish troops, who took us into three different prisons in the island of St. John's, where we the subscribers remained for thirty-five days in one of them, when we were sent on board under a guard of a file of Spanish troops, the Spanish frigate named Juno, then lying in the harbour of Porto-Rico and bound to the Havanna, but by the interference and remonstrance, as we understand, of some American captains and other citizens to the governour Don Castro, we were put on board the guard boat and transported to

the American ship Mount Vernon, then just weighing anchor, and bound to the port of Philadelphia, where we arrived on the land of freedom, thanks to kind providence, not being suffered to take even our clothes from on board the ship Kitty, and are now destitute of both them and money. We could each and every one of us have received a very handsome reward from the captain of the privateer, had we been base enough to have declared a falsehood that they urged and solicited some of the crew to do, namely, that of declaring that some of the cargo was shipped at the Cape of Good Hope. On our departure we understood and believed it as truth that captain M^rPherson, Mr. Cox and the rest of the crew were then in prison.

THOMAS CRAWFORD,
ISAAC WILLIAMS,
JAMES WATSON, ✕ his mark.
MATHIAS CHRISTIAN BREK.

Sworn, C. BIDDLE, Not. Pub.

BRIG VALERIA. (Stover.)

Commonwealth of Massachusetts, Port of Newburyport.

By this publick instrument of protest, be it made known, and made manifest, that on the 22d day of March, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-first year of the sovereignty and independence of the United States of America, personally came and appeared before me Michael Hodge, a publick notary, within and for the county of Essex, in the commonwealth aforesaid, duly admitted and sworn, residing in Newburyport, in the same county, Henry Stover, late master of the brig Valeria of Newburyport, owned and belonging to captain John Wells of said town of Newburyport, merchant, and citizen, who being duly sworn according to law, on his solemn oath, doth depose, testify and declare, that he sailed from the port of Aux Cayes, upon the south side of Hispaniola, on the 9th day of Jan. last past in the said brigantine Valeria, bound for Newburyport, laden with one hundred and twenty-one casks of molasses, containing fourteen thousand five hundred gallons; eight hogshheads of brown sugar, eight thousand one

hundred pounds French weight ; thirty-five hundred and nineteen pounds of cotton, and fourteen hundred pounds of coffee, all French weight, and which is true according to the best of his knowledge, recollection and belief, that on the 15th of the same month of January being then off Cape Maize about four or five leagues distance, he was brought to and boarded by a French privateer, called the *Souveraine*, commanded by one Lawrence Simont, belonging to Cape Francois, who after taking possession of the said brig, ordered the deponent on board of the privateer and carried him into the port of St. Jago, in the island of Cuba, and kept him on board the said privateer a close prisoner until he the said Simont had obtained a permission from the Spanish government to discharge the said brig *Valeria*, which was effected in the space of about four days after the arrival of the said brig, that part of cargo of the aforementioned brig was sold and delivered from along side, that no examination of the deponent was had by any authority whatever, nor could he learn, nor does he believe there was any trial or condemnation of either vessel or cargo ; but that he was robbed of all his property without the least pretence or colour of law, that as soon as he could procure a friend there to assist him (which was not obtained without great difficulty) he petitioned the governour of the place setting forth the true situation of his case, the barbarous usage he had received by having his vessel and property taken from him by force without any reason assigned therefor, that he had prosecuted a voyage from the United States to a French port, there had sold and received produce in exchange, that he had neither entered nor cleared at any English port during his voyage, and that his vessel and cargo truly was owned by a citizen and subject of the United States of America : the governour in answer, said that should he interfere in this case he would be brought into trouble, for the captain of the privateer would protest against him, and send it to the Cape, therefore he must and he did decline the interference, nor did he protect the deponent or his property from the ravages of those piratical men, that he entered a protest while at St. Jago, but could not extend it, agreeably to his wishes, by reason that the notaries were entirely under the influence of the French captain

and crew, (as appeared to him) and would not insert any thing in the protest, but what they themselves approved of; that on the 5th day of February following, the deponent finding that he could not obtain any satisfaction there for the loss of his vessel and cargo, with difficulty procured a passage for himself only in a Spanish schooner for Gonaives, where he arrived and soon obtained a passage in the brig Endeavour, Edward Freeman, master, for Boston, where he arrived on the 15th day of March following, and on the 18th, at Newburyport. Wherefore, Henry Stover, the master, as aforesaid doth require me, the said notary to protest. I the said notary do therefore at the request aforesaid, and on behalf of the said Henry Stover, the master, as aforesaid, and of the owner or owners, freighters, insurers, and all others in any wise concerned or interested in the said brigantine Valeria, and her loading as aforesaid, or any part thereof, solemnly protest against the said Lawrence Simont, his officers and crew, and the owner or owners, agent or agents of said privateer Souveraine; also against the French Republick, and the governour of St. Jago, for all losses, damages, costs, charges, interest and expenses whatever, had, borne, suffered and sustained, or to be had, borne, suffered and sustained by the said master, owner or owners, freighters, insurers, and all others in anywise concerned or interested in the said brigantine Valeria, or her loading as aforesaid, or any part thereof, for and by reason of being captured by a French privateer, and his taking vessel and cargo away by force as aforesaid.

This done and protested at Newburyport, in the commonwealth aforesaid.

In faith and testimony whereof, as well the said Henry Stover the deponent, as I the said notary, have to these presents subscribed our names, and I the said [L. s.] notary have hereunto put and affixed my seal of office the day and year aforesaid.

HENRY STOVER.

M. HODGE, Notary Publick.

BRIG CALLIOPE. (Leonard.)

Extract from the Records of the Registry of the Municipality of Basseterre, Guadaloupe.

ON this day 28th of Ventose, fifth republican year, in the afternoon, at the municipal office, of the city of Basseterre, Guadaloupe, in presence of citizens Patriat, mayor, Nègré, national agent, Due, municipal officer on service assisted by the secretary recorder—appeared Mr. John Leonard master and owner of the American brig the Calliope of New York in America, who being duly sworn and assisted by the interpreter of the English language, did declare that he sailed from the said place on the twenty-third of November last (O. S.) with a cargo of staves and dry goods bound to Madeira or Teneriffe—that he arrived at the last mentioned island the latter part of December following or thereabouts where he sold his said cargo and loaded as return cargo two hundred and twenty-five pipes of Teneriffe wines for his account and risk ; that he sailed again from thence on the sixteenth of February last bound to Curacoa or St. Bartholomews, but twenty-two days after sailing, steering straight for the place of his destination, without having put into any port, ten leagues to windward of Dominico and Martinico, her head then bearing upon Curacoa, he met with the privateer called the Dragut, Gabot, commander, who fired two guns at them which compelled him to shorten sail and bring his vessel to for the said privateer, who on being within hail inquired where he was from ? to which he answered, he was from Teneriffe bound to Curacoa ; that afterwards the said privateer seized the said brig and obliged the said appearer to give up all his papers, that he was detained on board the said privateer with his mate and four of his hands ; that the master of the said privateer put a prizemaster and crew on board of the said brigantine and ordered them to steer for Basseterre, Guadaloupe, where they arrived on the twenty-fourth instant, and the said privateer ; on the next day that he was brought to an examination before the municipality, and afterwards the judgment of the court of commerce sitting in this city being given, declared the said brig Calliope and her cargo a lawful prize for the

benefit of the captors—Therefore he requires act of the reservations and protestations he makes as well against the commander of the said privateer the Dragut her owners and those concerned, and security on account of his detention and being brought into this harbour, as against the judgment of the court of commerce on account of the condemnation of the said brig Calliope and her cargo, and for all losses, charges, damages, expenses and injury thereby accruing to his interest, and all others concerned in the said brigantine, reserving to himself to make use of the said protestations against and before whom and where it may belong, also to extend the same hereafter either at New York or elsewhere if he thinks proper.

Of all which appearances, protestations, and reservations, act hath been granted to John Leonard that the same may serve and be of value as of right, and he hath signed, together with the interpreter, the members of office and the secretary. Recorder so signed on the record, John Leonard, Bernier, interpreter, Patriat, mayor, Nègré, national agent, Due, municipal officer on service, and Deschamps, secretary recorder.

Compared,

DESCHAMPS, S. R.

Invoice of the following wines on the American brig Calliope, captain John Leonard, bound for St. Bartholomew, by order, and for account and risk of the said John Leonard, citizen of the United States of America, and to him consigned.

I L.	37 Pipes,	} 175 Pipes.
I M P.	38 Hhds.	
Branded in the head	} 176 quar. casks.	
I L.		

225 Pipes particular.

Teneriffe wine, at 17*l.* 1*s.* G. on board 3825*l.* E. E.

Teneriffe, 18th February, 1797.

Signed as in the original,

JAMES BARRY.

I do certify the above invoice is a true copy of the original one detained by the commercial tribunal, and also the bill of lading agreed with the said invoice. Basse-terre, Guadaloupe, 29th Ventose, 5 year of the French Republick, one and indivisible.

BERNIER, Sworn Interpreter.

I certify that the within written is a true copy of an original paper this day handed to me in order to have a notarial copy made thereof.

JOHN WILKES, Not. Pub.

New York, May 25, 1797.

SHIP COMMERCE. (Lawton.)

Newport, March 9, 1797.

SIR,—We consider it our duty to lay before you, for the inspection of government, an extract of a letter we have just received from Robert Lawton master of our ship Commerce, informing of his being plundered on the high seas by a French privateer.

This ship was bound from Hamburgh to this port; the ship and cargo are solely our property. As she carried out and was to return with a very valuable cargo, we were particular in procuring and sending in her, every official paper that is granted by the customhouse, for the verification of American property; and we made a declaration on oath before a notary publick of the ship and cargo being wholly ours, and that no foreign subject or citizen was interested therein. The notary giving a certificate thereof under seal, as also, of our being citizens of the United States; to which Mr. Arcambel, consul of France, annexed his official certificate. That no doubts would appear on the first inspection of the ships papers, of her being American property, and bound from one neutral port to another. But neither these circumstances, nor the peculiar distress the ship was in, were a protection from the rapacious acts of pillage on the high seas.

When the ship arrives, which we expect will be in all this month, we will obtain from the captain the name of

the privateer, his protest, and such other information as he may give, which we will forward to you. We are, &c.

GIBBS & CHANNING.

Timothy Pickering, Esq.

Secretary for the Department of State.

St. Bartholomews, February 2, 1797.

Messrs. Gibbs & Channing,

GENTLEMEN,—In my last letter dated the 1st of this month, being the day of my arrival in this port after a passage of 118 days from Hamburgh, I could not inform you of my distress, as time would not permit. I left Hamburgh on the 7th of October, and the 18th I left Coxhaven, and put to sea all in good order on board, and proceeded on my passage until the 20th November, when finding myself on the banks of Newfoundland, on the 29th I was in the longitude 57, with heavy gales of wind until the 31st of December, during these gales I sprung my rudder, and stove in the cabin dead lights, filled the cabin with water and I apprehend stove some casks of gin in the after hole in the ground tier; on the 31st December, I was obliged to bear away, my rudder being so weak, and the weather so bad, that the ship would not bear sail on her; I proceeded under all sail that the ship would bear to the southward until the 30th of January, when I was taken by a French privateer in the lat. 18. 2. and long. 60. 10. after overhauling my papers and threatening to make a prize of me, sent the boat on board, and plundered the ship, and broke open the letters and my trunks and chests which they took from me, two gold watches, and what clothes they had a mind for, and three gold watches, and three silver ditto belonging to Mr. Robert Stevens, Newport, sent on by his brother E. Greene, and broke open sundry bales and boxes in the hold and started one butt of brandy of yours.

ROBERT LAWTON.

SCHOONER BETSY. (Brown.)

By this publick instrument of protest, be it made known and manifest, that on this day, the fourth of January, in

the year 1797, before me Jacob Mayer, consul of the United States at the city of Cape Francois, personally came and appeared Reynold Brown, master of the schooner Betsey of Washington, in the state of North Carolina, and being duly sworn according to law, declared and averred for truth that he sailed from the said port of Washington in the United States, on the 12th day of September last, with a cargo of lumber, and bound to the island of St. Bartholomews, but through stress of weather and sickness among his crew, he, this deponent, was forced to enter the first port he could make, which was the port of Jeremie in this island, where he arrived on the 9th day of November following, and disposed of the cargo of the said schooner Betsey, to the best advantage in his power, that he sailed from the said port of Jeremie on the twentieth day of December following for Turks Island, and on the twenty-fourth day of the same month being between Cape Nichola-Mole and Tortuga he was captured by the French privateer Le Poisson Volant, commanded by one captain Thomas, and owned in this port; that on the next day being the twenty-fifth day, he this deponent was carried in his own vessel, the aforesaid schooner Betsy to Jean Rubel, where one of the officers of the said privateer Le Poisson Volant took from him, this deponent, one thousand three hundred and fifty-three dollars and one quarter of a dollar: That in the afternoon of the 31st day following he was carried to Port-de-Paix, from which place he obtained leave to come to this city, but was not permitted to bring with him, his mate, or any of the crew of the aforesaid schooner Betsey: And that he accordingly arrived here on the third instant, in a very distressed and sickly state, and now desires a protest, requiring an act of me the said Jacob Mayer, to avail him, when and where it may be needful and necessary.

REYNOLD BROWN.

Whereupon I the said Jacob Mayer, at the request aforesaid, have protested, and by these do protest against the said capture, and for the damages thereby occasioned to the said schooner Betsy and cargo, that all losses, cost, charges and damages suffered or to be suffered, or

sustained thereby, may be submitted unto, suffered and borne by those to whom of right it shall or may belong.

Thus done and protested at Cape Francois aforesaid.

In testimony whereof I have hereunto set my [L. s.] hand, and affixed my seal, this fourth day of January, 1797, the day and year first above written.

JACOB MAYER.

The above is a true copy of the original,

WM. JORDAN, Just. P.

Pitt County, May 31, 1797.

TRANSLATION.

[No. 1143.]

LIBERTY.

EQUALITY.

IN THE NAME OF THE FRENCH REPUBLICK.

Extract from the Register of the Deliberations of the Commission sent by the French Government to the Windward Islands, Cape, 17 Nivose, 5th year of the French Republick, one and indivisible.

HAVING seen the minutes of the proceedings on the capture of the galliot the Betsey of Washington, North Carolina, captain Reynold Brown, taken the 5th of this month by the French privateer le Poisson Volant, (Flying Fish) captain Thomas de Haunot—The proceedings on the examination on board of the said galliot on the seventh of this month by the justice of peace, John Rabel, from which it results that the said galliot is in ballast, and finding nothing on board except one thousand three hundred and forty-three dollars and one quarter of a dollar.

Having seen the maritime papers of the said galliot consisting only of a register and roll of the crew—The account of the sales of the cargo of the said galliot amounting to 11,460 liv. 9 sols 4 deniers, dated at Jeremie the 19th December, 1796, signed La Vigne—A letter from Abm. Welfe, dated at Jeremie the 15th December, 1796, addressed to James Sear, merchant, at Turk's Island, and announcing to him that captain Brown goes to the said island for a cargo of salt.

A bill of exchange for 400 dollars, drawn at Jeremie the 15th December, 1796, upon James Dear of Turk's Island, by Abraham Welfe to the order of Brown.

Having seen sundry official papers dated at Jeremie in the month of December, 1796, such as certificates and clearances of the custom houses, permits from the comdt. of Jeremie, considering that the papers above mentioned prove incontestably that the said galliot sailed from Jeremie, considering that Jeremie is one of the colonial ports in rebellion against the French Republick, and under the protection of the British government, declared in a state of siege by the arret of the commission of the 6th of this month.

The commission has decreed and does hereby decree that the galliot the Betsy of the port of Washington, North Carolina, taken the 5th of this month by the French privateer le Poisson Volant, captain Thomas de Haunot, is a good prize as well as the moneys found on board, and every thing belonging to the said vessel; that therefore all persons having the same in custody are held to give up the same to the captors.

The present arret shall be notified to the captain of the said galliot by the captain of the said privateer, and for the complete execution of the present decree, the captor captain shall make proper provision.

Signed on the Registers of the Proceedings,
 SANTHONAX, President.
 RAIMOND, Commissioner.
 PASCAL, General Secretary.

True copy.

The General Secretary, PASCAL.

NANCY. (Cunningham.)

North Carolina, Port Wilmington.

BE it known that on the twentieth day of March, A. D. one thousand seven hundred and ninety seven, before me, Mark Robert Willkings, notary publick for the town of Wilmington, by authority duly commissioned, personally appeared Archibald Cunningham, and entered and reserved a legal protest in my office, and in order to extend the same, hath this day brought before me John Pollis and

Haam Hackmaster, seamen ; and each being duly sworn, upon their solemn oaths declare and say, That on the 22d day of December last, they sailed in and with the ship Nancy of Wilmington, North Carolina, whereof the said Archibald Cunningham is master from Bristol, she being tight, staunch, well found, and completely manned, bound to this port, having on board as cargo fifty casks earthen ware, twenty-five casks nails, twenty boxes pipes, forty-two boxes glass, and five thousand five hundred and forty-three bushels salt, and twenty crates empty bottles—That on the second day of March following, they were in the latitude of Charleston in thirteen fathom water, having met with contrary winds and a tedious passage, but with no material occurrence, when they saw a schooner in company with a sloop—That at three o'clock they observed the schooner standing for them with all sail—That they, these deponents, crowded all sail to get away, but notwithstanding, the schooner soon came up with them, and at half past four, the said schooner was so near as to hail them, and order them to hoist out their boat and come on board ; that they, these deponents, suspected the said privateer to be French, although they had no colours up and did not immediately hoist out their boat, but told the schooner that they had been a long time out, and were very scarce of provisions, and anxious to get into port, whereupon the said schooner hoisted French colours and prepared to fire into the ship, ordering them at the same time to send the boat on board with their papers, which they were obliged to do—That the said schooner proved to be a French privateer called the Pauline, Alexander Bolchoz master, who sent on board the ship armed men, who took charge of her and sent on board the said privateer the first mate, boatswain, and several of the crew—That the captain of the privateer then declared the said ship and cargo to be a lawful prize, saying that he found by the log-book she had carried naval stores to Great Britain, which were contraband—That the captain of the privateer then made sail, ordering the ship to keep company, and they arrived in Nassau river on the coast of East Florida, where the captain of the privateer took some provisions and water and a pilot ; and on the ninth following in the said month March, they anchored off the bar at St. Augustine, East Florida.—That he the said Archibald Cunningham went

on shore in the pilot boat, together with the captain of the privateer and others belonging to her. That the government would not consent to the ship being brought into the port of St. Augustine as a prize, in consequence of the good understanding, friendship, and harmony, existing between Spain and the United States—Whereby the captain of the privateer concluded to send the ship to a French port—That he this deponent, Archibald Cunningham, taking into consideration the consequence of being sent to a French port, whereby much detention and expense would necessarily arise, and probably a total loss; and then lying at anchor in a very dangerous situation, proposed to the captain of the privateer to ransom the ship, which after some time was agreed to, upon the captain of the privateer receiving in cash the sum of fifteen hundred dollars, which was to be paid down—That he the said Archibald Cunningham then went on shore for the purpose of borrowing the money, but found much difficulty in obtaining it, and was under the necessity of giving a premium of fifty per cent. That by this means he obtained the said sum of fifteen hundred dollars, and gave bills upon his owners for the same, with the addition of the fifty per cent. making in all two thousand two hundred and fifty dollars. That the said sum of fifteen hundred dollars was counted, paid and delivered to the said Alexander Bolchoz, master of the said privateer, on the eleventh day of the present month March, in presence of F. R. Fatio, Thomas Travers, George Fleming, Thomas Sterling, and A. Buyck, as by their certificate will appear—That they, these deponents then got the command of the ship and proceeded for this port, leaving James Murray, the first mate, who chose to continue with the privateer, and arrived here the eighteenth day of said month, March—And the said Archibald Cunningham speaking for himself, further saith, that he verily believes that it was for the benefit of all concerned in said ship and cargo, to effect her liberation in the manner it was done—That it was impossible to get any part of the cargo landed to sell, to raise cash, and that he was under the necessity of giving so large a premium for the amount of the ransom money, because it could not be got on better terms, and he thought it was most advisable to accede to that, rather than suffer the ship and cargo to be carried to a French port. And the said John Pollis and Haam Hackmaster, each concur-

ring and agreeing with the foregoing affidavit as far as could come to their knowledge, have each respectively signed their names hereto.

ARCHIBALD CUNNINGHAM, JUN.
JOHN POLLIS,
HAAM HACKMASTER.

Wherefore the said Archibald Cunningham doth protest, and I the said notary at his request, do solemnly protest against the said privateer called the Pauline, the commander and crew thereof, and against the French Republick, for all losses, damages, delays, detentions, costs, expenses, and charges whatever, already suffered by the said ship Nancy and her cargo, or which may arise or accrue to the owners, underwriters, and all concerned. Thus done and protested at Wilmington. In testimony whereof I have hereunto signed my name and affixed my notarial seal. April the third, A. D. one thousand seven hundred and ninety-seven, and in the twenty-first year of our Independence.

MARK R. WILLKINGS, Notary Publick.

North Carolina, Port Wilmington.

I certify the foregoing copy to be a true and exact copy of captain Archibald Cunningham's protest, taken from the records of my office, as recorded from the original, in book C. pages 220, 221, and 222.

In testimony whereof I have hereunto signed my name, and affixed my notarial seal, Wilmington, [L. s.] May the tenth, A. D. one thousand seven hundred and ninety-seven, and in the twenty-first year of our Independence,

MARK R. WILLKINGS.

The owners of the ship Nancy, captain Archibald Cunningham, and cargo.

To Robert and James Donaldson & Co. DR.

To cash paid the bottomry bond, granted to Mr.

William Cooke, dated St. Augustine, March

11, 1797, being for the ransom of ship Nancy

and cargo, as per captain Cunningham's pro-

test,

(carried forward)

\$ 2250 00

Brought forward,	2250 00
To ditto paid capt. Cunningham for the following sums disbursed by him at St. Augustine, viz.	
Paid for going from the ship at the bar to the town,	4 00
Do. for expenses of Nancy's seamen on shore at St. Augustine,	20 00
Do. for entering a protest and receiving a copy of do.	13 00
Do. filling water and carrying with the people on board the ship,	30 00
Do. paid pilotage at St. Augustine, as per receipt,	20 00
A boat carried to St. Augustine by the Frenchmen, and unavoidably left there, cost at Bristol, (Great Britain) equal to	46 66
An anchor purchased at Charleston to replace one broke at St. Augustine bar, whilst the ship was in possession of the privateer,	93 64
Paid freight of do. from Charleston,	3 00
Paid sundry repairs necessary at Wilmington, occasioned by the damage done to the ship whilst in possession of the privateer, viz. cutting away and carrying off running rigging, spare cordage of every kind, spare canvas, blocks, buoy, &c. &c. viz.	
Paid William Smeeton for block maker's account, (dollars at 12s.) 14 <i>l.</i> 15 <i>s.</i>	24 58
Ditto John Calhorda's bill for cordage as per account, (dollars at 12s.) 67 <i>l.</i> 17 <i>s.</i> 4 <i>d.</i>	113 11
Paid Scedgewick Springs for blacksmith's account, (dollars at 12s.) 16 <i>l.</i> 12 <i>s.</i> 0 <i>d.</i>	27 66
Ditto John Martin for cooper's account, 8 <i>l.</i> 16 <i>s.</i>	14 66
Ditto for one and one half bolt of canvas to replace so much carried off by the privateer's men, at 18 dollars per bolt, is	27 00
Ditto wages of master, officers, and seamen for 12 days, being the time the ship was in possession of the privateer,	176 00
Half a box of candles pilfered by privateer's men,	6 50
Paid Js. Allen for glazing and repairing skylight and cabin windows, occasioned by damages received from privateer's men, 2 <i>l.</i> 15 <i>s.</i> 6 <i>d.</i> is	4 62

Carried forward

2874 43

Brought forward,	2874 43
Ditto, riggers for refitting the vessel and putting her in the same order and situation as before the capture, is	44 50
	<hr/>
	\$ 2,918 93

CR.

By an anchor broke at St. Augustine bar, re- placed by one purchased at Charleston,—the old anchor weighed 866lb. at 7 cents per lb. is	60 62
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Balance,	<hr/>	\$ 2,858 31
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Errours excepted,
ROBERT & JAMES DONALDSON, & Co.
Wilmington, May 5, 1797.

State of North Carolina, New Hanover county, ss.

PERSONALLY appeared before me John Blakely, justice of the peace for New Hanover county, North Carolina, Archibald Cunningham, master of the ship Nancy, belonging to the port of Wilmington, and being sworn, declareth and saith, That the foregoing account is just and true—That the sums therein mentioned as paid, have been paid—That the damages and losses sustained have been repaired and replaced as per proven accounts—And the sums charged and claimed by Robert and James Donaldson and Co. being in all two thousand eight hundred and fifty-eight dollars, thirty-one cents, is the loss, and no more, actually sustained by the owners of the ship Nancy and cargo, by the capture, pilferage, and detention of the said ship by the French privateer Pauline, as per his protest, dated at Wilmington, March the twentieth, A. D. one thousand seven hundred and ninety-seven.

ARCHIBALD CUNNINGHAM, JUN.

JOHN BLAKELY, J. P. (Seal.)

BRIG TRIO. (Story.)

Jamaica, ss.

WILLIAM WILLIAMS STORY, master of the brig Trio, of New York, in the United States of America, Samuel

Wordelin, boatswain, James Johnson, and Abraham Day, seamen, all belonging to the said brig, being severally duly sworn, upon the Holy Evangelists of Almighty God, make oath and say; that they sailed from New York aforesaid, on the tenth day of December one thousand seven hundred and ninety-six, bound for Kingston in the island of Jamaica aforesaid, laden with a cargo of meal, potatoes, bread, fish, and staves, the said brig being tight, staunch, and every way properly equipped and manned for her said voyage—That nothing material occurred until the twenty-seventh following, then off Grand Turks Island, was brought to and boarded by a French Republican privateer schooner, mounting twelve guns, called the La Trompeuse, whereof one Antonio La Barrere was commander, who immediately took possession of the said brig Trio, and took on board the said schooner La Trompeuse, William Beadle, mate, John Parker and William Corben, seamen, Americans, and residents of New York aforesaid, and also William Buly an Irishman by birth, as these deponents are informed and verily believe, and a resident of New York aforesaid. And also took part of three coils of new rope, one barrel of bread, and several other articles. That the said La Barrere sent a prize master and four men on board the said brig and ordered her to proceed for Cape Francois, in the island of St. Domingo—That on the day following being the 28th of the same month of December, at about seven o'clock in the forenoon, these deponents (together with William Hunter, a black man, also belonging to the said brig) having a favourable opportunity, &c. retook possession of the said brig, and proceeded with her on their voyage to Jamaica aforesaid, and arrived at Kingston aforesaid, on the 31st day of December last.

W. W. STORY,
SAMUEL WORDELIN,
JAMES JOHNSON,
ABRAHAM DAY.

Sworn at Kingston aforesaid, the }
20th day of January, 1797. }

Before me,

THOMAS HUGHARD.

BRIG RUSSEL. (Smith.)

THE brig Russel, captain Thomas Smith, owned by Messrs. John G. and Thomas Blount, and worth about 8000 dollars, sailed from Occacock, North Carolina in December last; cleared out for St. Thomas, but went to Providence, and was going from thence to Jamaica, when she was captured by the French privateer Trompeur, captain Barriere, and carried into St. Domingo, where vessel and cargo were condemned and sold. It is to be observed that captain Smith had positive instructions not to go, or attempt to go, to any British island that did not belong to Great Britain at the commencement of the existing war between France and England.

Copies of the condemnation and of captain Smith's protest will be deposited in the office of the Secretary of State in a few days.

THOMAS BLOUNT.

June 15, 1797.

By this publick instrument of protest be it made known, that on this 2d day of February, 1797, before me Leonard Dessaux, notary and tabellion publick, duly admitted and sworn for the port of Washington, personally appeared Thomas Smith, late master of the brigantine Russell, and being duly sworn according to law, declares for truth, that the Russell sailed from Occacock bar in the state of North Carolina, on the 9th day of December last, with the following orders, to wit.

Washington, November 16, 1796.

CAPT. THOMAS SMITH,—Proceed with the Russel as fast as possible into Shew Castle road, where the Grampus will speedily as possible deliver you the rest of your load; when that is well completed, proceed to sea, and my present opinion is that it will be best to proceed to the island of St. Thomas, and either sell there or at Tortola, as you find will best answer, but sell where you will, avoid Jews and desperadoes who will run after you to purchase; always inquire for the best houses, and make

your contracts in writing, and be sure to have despatch if possible.

If salt be to be had at a quarter of a dollar per bushel, ballast with it, and bring good sugar for balance, and if salt is higher, bring one third rum, and two thirds sugar for your returns. I do not consider this order binding, you will inquire of all the vessels that arrive from the West Indies, and proceed to that market that promises the best voyage; and if you hear that herrings answer well at any where you can go, take them in at the Castle, and consult Jack Wallace about the market before you sail. But in no case are you to proceed to an English port in a French island. Or should I suppose lumber will answer well in any French port, as they have not yet began to improve; so that St. Thomas, St. Bartholomews, Tortola, Barbadoes, Grenada, Antigua, or Jamaica, must probably be the place, therefore clear out for St. Thomas's.

Write me from the bar for what place you sail, and write me every opportunity to any part of the continent from the place you arrive at. Use economy and make despatch, with my best wishes for your safety.

I am yours, &c.

I. G. BLOUNT.

AND that under these orders he sailed for the island of New Providence, in consequence of information he received, that there had been a hurricane at that place, and arrived there on the 18th of the same month; but not finding an advantageous market, he sailed again on the 19th in search of a better. That on the day following, at eight o'clock, A. M. they were boarded by a French privateer La Trompeur, commanded by Antoine Barriere, and owned in Cape Francois in the island of St. Domingo. That the said Antoine Barriere took from on board the Russell, the said Thomas Smith, the vessel's register, and other papers which they still detain, and sundry stores, and detained him some time on board the privateer; then sent him on board the Russell, and took out the mate and ordered the Russell into the Cape Francois, where she arrived on the 31st December, and in a few days the commission condemned the said brig Russell and cargo, as a prize to the aforesaid privateer and crew.

And therefore now the said Thomas Smith requires a protest.

THOMAS SMITH.
JOHN HUTCHIN.

WHEREFORE, I the said Leonard Dessaux, at the request aforesaid, have protested, and by these presents do protest against the said captain Antoine Barriere, the owners of the privateer La Trompeur, the commission who condemned said brig Russell, the Republick of France, and all concerned therein, for all loss and damages which have, or may accrue, to the owners of the said brigantine Russell and cargo, or all others concerned therein.

Thus done and protested at the port of Washington aforesaid. In testimony whereof, I the said Leonard Dessaux have hereunto set my hand, and affixed my seal of office this day and date aforesaid.

L. DESSAUX, Notary Publick.

TRANSLATION.

LIBERTY.

EQUALITY.

IN THE NAME OF THE FRENCH REPUBLICK.

Extract of the Register of the Resolutions of the Commission delegated by the French Government to the Leeward Islands. Cape, 21st Nivose, in the 5th year of the French Republick, one and indivisible.

HAVING seen the certificate of the capture of the brig Russell of Washington, captain Thomas Smith, taken the 30th of Brumaire last, by the French privateer La Trompeur, captain Barriere. Having seen the proceedings of the justice of peace of the Cape, about said prize. Having seen the shipping of papers of the said brig, consisting of the register, the sea letter, and the manifest of the cargo. Having seen a declaration of said captain Smith, which appears to have been made on board, in which he says he has remained thirty hours in the island of Providence, and sailed thence for Jamaica, to the consignment of Richard Lake in Kingston. Having seen a petition of said captain Smith reclaiming the said vessel in consequence of his pleading that he was bound to a British port;

not to any of the ports of St. Domingo revolted against the Republick.

Considering that from all the vouchers above related, there results the incontrovertible evidence that the said brig Russell, captain Thomas Smith, was going from an English port to another.

Considering that the resolution passed by the executive Directory the 14th Messidor last, prescribes to all the vessels of the Republick, and the armed vessels belonging to individuals to treat neutral vessels in the same manner as they suffer the English to treat them.

Considering that it is publickly known that no neutral flag is respected by the agents of the British government in the Antilles. And that publick evidence is confirmed by a number of declarations made, or depositions recorded in the office of the secretary general of the commission.

Considering that it is in consequence of the official arrival of the above resolution of the executive directory, and in consequence of the publicity of the manner in which the English government in the Antilles treats neutral vessels, that the commission passed their resolution of the 18th of this month, by which they declare all neutral vessels bound to or from English ports, to be legal prize.

The commission hath resolved, and do resolve that the brig Russell, of Washington, captain Thomas Smith, taken the 30th Brumaire last, by the French privateer La Trompeur, captain La Barriere, is a legal prize, as well her cargo, and every thing that may belong to it, the whole to be sold to the profit of the captors, therefore all guardians and detainers of said vessel and her cargo are bound to deliver both into the hands of the captors or their attorney.

The present resolution to be notified to the captain of the said brig by the captain of the said privateer or his attorney—And for the complete execution of the present resolution, the captain, captor, or his attorney shall, and may if necessary, apply to whom law directs.

Signed in the Register of Publick Deposition.

Signé PASCAL.

SCHOONER MILTON. (Brooks.)

TRANSLATION.

Extract from the Registers of the Secretary of the Municipality of Basseterre, Guadaloupe.

THIS day the 19th Germinal, 5th republican year, at the municipal office of Basseterre, Guadaloupe; in which assisted the citizens Patriat, mayor, Negré, national agent, Jean Baptist Seignoret, municipal officer in service, assisted by the secretary, appeared Thomas Brooks, captain of the American schooner Milton of New York.—Who under the faith of an oath at the moment administered to him, and assisted by the interpreter of the English language, declared that he sailed from the said place on the 7th of March, (O. S.) with a cargo of flour, maize, biscuit, peas, rice, bound for Barbadoes and Martinique, under the direction of M. Valentine Blake, one of the owners of said schooner and cargo; that he arrived at Barbadoes the 29th current, and sailed thence on the 31st of the same month for Martinique; that the day following on his route he perceived a sail at 7 in the morning bearing down upon them under full sail, and all oars out, the island of Martinique then bearing w. n. w. distant near 6 leagues, but being becalmed was overtaken by her, which proved to be the French privateer called the Drague, of four guns and 50 men, commanded by captain Gabot, belonging to citizen Sevarme, of Basseterre, Guadaloupe, who manned us, and brought us to the port of Basseterre, where we arrived on the 30th of April, and after which intervened the judgment of the commercial tribunal, condemning the said schooner as good prize, together with her cargo, for the benefit of the captors. Wherefore he requires an act of reservation and protest, which he makes as well in his own, as in the name of the interested in the schooner Milton and her cargo; both on account of her arrest, and being brought into this road by the said privateer, and on account of the confiscation pronounced by the said judgment of the said schooner and her cargo for the benefit of the captors, and generally for all wrongs, damages, losses, expenses, detentions, and prejudices, which may result therefrom, against the interests of his

owners and concerned, reserving to himself to use the said reserve and protest, against whom, before whom, and wherever it may be requisite, even to make the same more full and ample, if he thinks proper, either at New York or elsewhere, which has been delivered to him by the members of the office who have signed with him, the interpreter and secretary.

Signed on the register, Thomas Brooks, Bernier, interpreter, Patriat, mayor, Negré, national agent, and Seignoret, municipal officer in service, and Deschamps, secretary.

And afterwards appeared Shillah Kelly, mate on board the schooner Milton, who after making oath to speak the truth, and under the assistance of the same interpreter, having requested a communication by him of the declaration this day made by Thomas Brooks, captain of the said schooner, said that it was exactly agreeable to the truth, and that he had nothing to add to, or take from the same, and thereof requested an act might be delivered to him. And he signed the same with the interpreter and members of the office.—Thus on the registers Shillah, Bernier, interpreter, Patriat, mayor, Negré, national agent, Seignoret, officer in service, and Deschamps, secretary.

Collated,

DESCHAMPS, Secretary.

I John Baptist Seignoret, municipal officer of this commune Basseterre, Guadaloupe, performing in this town the functions of mayor, in the absence of citizen Patriat, mayor of this commune Basseterre, Guadaloupe, certify to whom it may concern, that the signature above is that of citizen Deschamps, secretary of the municipality of Basseterre, Guadaloupe; that thereto, faith is, and ought to be given, as well in, as out of judgment. In faith whereof I have signed these presents, which shall be countersigned by the secretary, and sealed with the seal of the municipality.

I further certify, the stamped and comptrolled paper are not used in this colony.

Given at the Commons house of Basseterre, Guadaloupe, the 19th of Germinal, 5th republican year.

SEIGNORET, Mayor in this quarter.

DESCHAMPS, Secretary.

Extract from the Registers of the Tribunal of Commerce established in the Island of Guadaloupe, sitting at the Town of Basseterre in said Island.

WE the judges of the commercial tribunal, having seen the papers which have been sent to it, concerning the capture by the privateer Drague, captain Antoine Gabot, of the schooner Milton, captain Thomas Brooks ; having also seen the declarations and interrogatories annexed thereto, made on the said prize with the municipality of this town of Basseterre, and after having heard thereupon citizen Bazin, surrogate for the commissioner of the executive directory, near the said tribunal and his conclusions, having also heard the report, and considered the whole.—Whereas it is proved by the declarations of the captain, of the supercargo, and by the crew, that the destination of the schooner Milton for the island of St. Croix was feigned, that her true destination was Barbadoes or Martinique, that she was arrested going from Barbadoes to Martinique, that moreover she was without sea-letters emanating from the authority of the President of the United States of America, and that the supercargo was an Irishman, naturalized as an American only since the present war. The tribunal as well in virtue of the regulation of 21st October, 1744, as of the arret of the agents of the executive directory of 13th Pluviose last, declares the said schooner, her tackle, apparel, and cargo, good prize to the benefit of the captors : And therefore orders, that the same be delivered up to whomsoever the same may belong, to be disposed of as their property, an inventory thereof being previously made.

Order, &c.

Done and judged by us, Victor Croizier, president, Dominique Romain, and William Curtet, judges of the said tribunal, the 18th of Germinal, in the morning, in the 5th year of the French Republick, one and indivisible.

Signed on the Register,

CROIZIER, President.
D. ROMAIN, and
CURTET.
LATRIERE.

Collated,
Copy for the captors.

I Victor Croizier, president of the commercial tribunal established in the island of Guadaloupe, sitting at the town of Basseterre of the said island, certify and attest, to all whom it may concern, that Latriere who has signed the copy of judgment above written, is secretary to the said tribunal, that faith should be given to his signature, both in and out of judgment. I also certify that the stamped paper is not in use in this colony.

In testimony whereof I have signed these presents, and caused the common seal of the tribunal to be hereto affixed.

Done at Basseterre, island of Guadaloupe, the 18th Germinal, 5th year of the French Republick, one and indivisible.

CROIZIER, President.

[L.S.] Sealed at the said place, the said 18th Germinal, 5th year.

LATRIERE.

No. 4.

EXTRACTS FROM COMMUNICATIONS FROM CONSULS OF THE UNITED STATES, RELATIVE TO DEPREDACTIONS COMMITTED ON THE COMMERCE OF THE UNITED STATES, BY THE FRENCH.

Copy of a Letter from M. Roquesante, Consul of the French Republick, at Cadiz, to Joseph M. Yznardi, Consul of the United States, at the same place, dated September 12, 1796.

CITIZEN CONSUL,—I received your despatch of the 12th September, (O. S.) in which you desire to know my opinion on the subject of the American prize vessel, called the Mercury, commanded by captain Samuel Brooks, of your nation, captured by the two French privateers, La Droit de L'homme, and L'Escamoteur, and brought into Tarifa, the day before yesterday.

The arret of the executive directory, dated 12th Messidor, which I annex to my despatch, will inform you of the reasons which have authorized our cruisers to arrest the American vessel in question.

The bill of health, which was found on board of this American brigantine. shows. that this vessel was bound

for Gibraltar, where she was going to sell her cargo, consisting of flour, pitch, tar, &c.—it is therefore evident that these provisions and munitions of war, were destined for the enemies of the Republick. In consequence of the proofs which evidence the succours which it was attempted to carry to this power, with which France is at war, and of the arret of the directory, of the repeal of which I have no knowledge, I do not at present see how I can avoid pronouncing my judgment in favour of the captors and owners. In the mean time, to give you an unequivocal proof of the desire entertained by my government, to maintain the good understanding which prevails between it and yours, I inform you, that I shall not pronounce judgment upon this prize, until I shall have obtained new information, and for this purpose I am about giving orders to my chancellor, to go to Tarifa, to proceed accordingly.

Malaga, January 28, 1797.

SIR,—Soon after I had the honour of addressing you my former letter, No. 10, dated the 10th November, of last year, a most cruel instance of injustice happened at this port with two of our vessels, viz. The brig Rover of Baltimore, Arthur Smith, master, and the schooner Nancy of Alexandria, Virginia, commanded by Job Palmer; both of them brought from hence cargoes of sugar and coffee to this port, where, on account of the high duties paid on landing, makes the importation next to a prohibition, a sale, however, took place afloat and the vessels were to proceed, and deliver these cargoes at Tangier, a free port in Morocco, to be re-shipped there on others for a market,—at this juncture, a small French privateer called the Ferret, belonging to Marseilles, and commanded by Anthony Daumas, lay here, who made sail at the same time of the Nancy and Rover, getting under way, and captured them while they were yet within gunshot of this territory, and brought them back with the French flag flying on their fore-topmasts, manned with Frenchmen, all their papers seized and put into the hands of the French consul here, who pretends to have a prior right for adjudging all cases of this nature in his chancery, although they belong to neutral powers. When I called on the consul to know the motive of stopping the vessels, I learned from him it

was founded on a suspicion of their going to an enemies' port, (say Gibraltar) another motive was the Nancy's carrying thirty pipes of wine which the supercargo on board her, had purchased here for his account, which he intended to carry home, but I believe had not yet drawn out a bill of lading to produce ; another motive was, that an English passenger on board the Rover, was seen breaking up a remnant of paper, at the time of the French crew boarding her ; either of which said circumstances, he said, was a sufficient motive for condemning the property, according to the established marine laws of the French Republick. After hearing these vague insinuations from the consul, I judged it highly proper to call on the Spanish government for getting the vessels and cargoes liberated from the French chancery, and to decide the business conformable to what they were bound to do by the 6th article of the treaty concluded with the United States of America ; but such was the timidness I found then about meddling with any matter that had any connexion with French interest, that I could not obtain any redress until the captain general of Malaga, consulted the court.—I also carried my claim there, and after many remonstrances made to the secretary of state, about our ships being taken when within gun shot of this territory, he was prevailed on to order the general at Malaga to withdraw the American papers out of the French chancery, and that he should let the consul know his catholick majesty's displeasure in wanting to establish a jurisdiction in Spain, not yet allowed to any nation at no time whatever ; this circumstance has in no respect yet bettered the case, for the consul has on two occasions given a flat denial to the king's order, and wont give up the papers until he is desired to do it by the directory in Paris. During this interval of knowing who is to decide the business, the consul has passed sentence on the Nancy, condemning the thirty pipes of wine as lawful prize to the captors, with costs of chancery, which is ten pounds sterling, for the neglect of not carrying a bill of lading ; putting the ship and remainder of the cargo at liberty. The Rover would appear to be under worse circumstances, whereas both ship and cargo are liable to forfeiture on account of the circumstance of breaking a paper at the time of capture. Whatever may be the issue of this unlucky business. I shall take care, sir,

to acquaint you, by which means you will be informed of the treatment shown by the French to our flag, and the backwardness of the Spaniards by not redressing such depredations done to the colours in their ports. I send you enclosed a copy of the consul's sentence, and his answer to a letter I wrote him, making an inquiry of all the papers that neutral vessels should have on board to satisfy the French cruisers, for my government.

I have the honour to be, &c.

MICHAEL MURPHY.

Consulate of Malaga, French Republick.

LIBERTY.

EQUALITY.

FRENCH REPUBLICK.

WE, Nicholas Maurice Champre, consul of the French Republick, with the kingdom of Granada, resident at Malaga, authorized by the laws of the 3d of Brumaire and 8th of Floreal, of the 4th year of the Republick, to pronounce on the validity of prizes brought into the ports within the limits of this consulate by the ships or privateers of the Republick, having seen the collection and inventory of the papers found on board of the Anglo American schooner the Nancy, captain Job Palmer, taken by the French privateer La Ferret, captain Anthony Daumas, arrived at Marseilles, as well as sundry other documents exhibited, as well by the said citizen Daumas as by the said captain Palmer, and by William Bartleman, supercargo on board of the said schooner. The said collection, and inventory executed by citizen John Baptist Pelieu, chancellor of the consulate, agreeably to the said law of the 3d Brumaire, 4th year.

Having also seen the instruction given by the said chancellor, consisting of the interrogatories and declarations by him received from the said captain Palmer, the said supercargo Bartleman, the pilot Joseph Quill of the said schooner, and from the citizen Daumas and several officers and others on board of the said privateer, among others from Anthony Joseph Daumas, prize master on board the said prize, as also the papers containing the said instruction mentioned in the said inventory.

Considering on the one hand that the only motives of detention of the *Nancy*, alleged by citizen Daumas and his officers, both in the process verbal written at sea, and in their declarations, consist, 1st. That the destination of this vessel was Gibraltar. 2d. That it might be presumed that the supercargo was an Englishman.

That these two motives are destitute of foundation; that without examining the unforeseen consequences of the first motive, it is sufficient to observe that the destination for Gibraltar was assigned to the *Nancy* in a preceding voyage; after which this vessel had come from Gibraltar to Malaga, and her charter party proves that she went from Malaga to Tangier on a voyage entirely neutral, and from which neither delivery nor sale was to take place with the enemies of the Republick; that this same act contains indeed a conditional clause in virtue of which the *Nancy* might make the same voyage to Gibraltar, in the case provided for in the clause; but that a conditional destination, and for a voyage which concerns only individuals of a neutral nation, as is explained sufficiently in the charter party, cannot give a motive to the lawfulness of the capture of a neutral vessel. That the objection which concerns the supercargo is not better founded, since it is proved by the declaration making part of the instruction, and by written proof that the supercargo was born at Fairfax in America, and that at 14 years of age, he was bound an apprentice to a merchant.

That the *Nancy* is furnished with all the papers required by the laws of France for proving the neutrality of the vessel; considering on the other hand that the papers relative to her cargo are not in the same situation; that her supercargo has declared that he had on board among other merchandise 30 pipes of Malaga wine, which are not entered on any of the vessel's papers; that the said supercargo has it is true produced a bill of lading of them, which was found on board in the drawer of his table, but two days after he was brought into this port by the said privateer, and when it was proved also by the declaration of the said Bartleman that he had returned on board the schooner, after he had been on shore; whence it results that this bill of lading has probably been fabricated on shore after it was too late, and carried on board, and consequently it should be deemed as invalid; that hence ac-

cording to the 6th article (not abrogated by any posterior laws) chapter ix, book 3 of the marine ordinance of 1681, these thirty pipes of wine are within the confiscatory clause.

That the objection made by Wm. Bartleman, grounded upon the Ferret's having sailed from the port of Malaga a little after the Nancy, appears to be of no consequence, 1st, because the rule generally adopted, which establishes an interval of twenty-four hours between the sailing of a vessel and that of an enemy ship going against her, cannot be applied to the respective sailing of vessels of two neutral powers. 2d, because in the present war upon the ocean, the enemy of the Republick being also that of Spain, the rule above mentioned ceases to apply in the ports of the latter power.

That this last motive in the like manner justifies the citizen Daumas in the supposition of the contested fact, that the Nancy might have been taken in the waters of Spain, since the French privateers were free to visit neutral vessels in order to search them for enemies property upon the coast of Spain, in the same manner as upon those of the Republick, the two powers being engaged in a common cause.

That nevertheless the single article of thirty pipes of wine being liable to confiscation on board the Nancy, justice requires that this vessel should be put in a situation of pursuing her voyage as soon as possible, with the rest of her cargo.

We declare the thirty pipes wine found on board the schooner Nancy to be good prize to the profit of the owners and interested in the French privateer Le Ferret, captain Anthony Daumas; hereby authorizing them to unlade the same and make sale of them provisionally, depositing the proceeds thereof in the chancery of the consulate subject to the duties due to the marine invalids, those which may become due on account of the said sale, and to conform themselves moreover to the laws and regulations relative to the marine, unless the captain or interested in the said schooner and her cargo should prefer having the said thirty pipes of wine estimated at their expense and by proper persons appointed by them and citizen Daumas in behalf of the owners, and to have the amount thereof deposited provisionally in the said chan-

cery. We moreover declare that there is no cause for a longer detention of the Nancy and the residue of her cargo. We order the citizen Daumas to withdraw his crew from the said vessel which we authorize freely to pursue and continue her voyage; without the captain of the Nancy or the interested in her, being able to recover any indemnity on account of a detention justified by the want of a bill of lading of the said thirty pipes of wine; and for the same reason they shall pay the expenses of proceedings and of the present judgment, of which a copy shall be delivered and notified to the concerned, and which shall be executed, the entry of any appeal notwithstanding.

Done in the consulate house, and sealed with the national seal of the consulate at Malaga, the 5th [L. S.] Frimaire, 5th year of the French Republick, one and indivisible, &c.

CHAMPRE,
Consul of the French Republick.

Notified the said day 5th Frimaire, in the said year, by me John Baptist Pelieu, chancellor of the consulate of the French Republick in the city of Malaga, to Don Joachin Hidalgo, consignee of the schooner Nancy and her cargo, to whom I delivered the present copy of the judgment above mentioned duly collated with the original, deposited in the archives of this chancery.

J. B. PELIEU, Chancellor.

Extract of a Letter from J. Cox Barnet, Consul of the United States, at Brest, to the Secretary of State, dated Brest, January 29, 1797.

I HAVE first to premise that since my residence at this place, most of my time and attention has been taken up in relieving or endeavouring to relieve many of our distressed seamen, who have been brought into this port, taken in British vessels, where they had in most instances been impressed, and here made prisoners of war. When any of these had been so fortunate as to have been able to preserve their passports or protections (proofs of their citizenship,) I have till now immediately obtained their enlargement, when, on the contrary, they have (from ac-

cident or the violent outrage of the British commanders, who sometimes have totally disregarded them and destroyed them) been deprived of them, I have not met with the same success in my application for them. My further applications of this nature, I am too sorry to find, will no longer be of any avail, in consequence of an order from the minister of the marine and colonies, *forbidding the farther enlargement of any citizens of the United States, who may have been taken on board British ships, and stating that they shall henceforth be considered and treated as prisoners of war.* This information I had two days ago from the ordonnateur of the marine, in reply to my application for five of our citizens, now detained in the prisons of this place as prisoners of war.

Under this cover, sir, I have the honour of enclosing you a copy of the condemnation of the ship *Diana* of Savannah, taken and sent in here, in October last, by the privateer *Le Vengeur*, of this port, and condemned by the tribunal of commerce, of this place, on the 28th November last, for want of a sea letter, together with a copy of the protest of the master of said ship, Nehemiah I. Ingraham, of Boston, to which beg leave to refer you. We are going on with an appeal in this affair before the tribunal of the department at Quimper, where we hope to meet that justice we believe wanting in the tribunal of commerce.

Respecting this condemnation, I have to observe to you, sir, that the owners of this privateer are citizens of the United States; the husband, captain John Cooper, of Virginia. The captors endeavouring to make it appear that the register of said ship is a counterfeit, alleged "that all American ships' registers were struck on American manufactured paper, whereas this appears to be English fabrick; that the signature 'Joseph Nourse,' is in this done with the pen, whereas in the original ones, it is done (they say) with a stamp or plate; that this register being No. 3, only, and issued at Bath, near Wiscasset, was another mark of its falsity, there having been more than eight vessels built at Bath since the year 1794, when that register was issued, &c."

These circumstances, however, sir, were not attended to by the judges of the tribunals of commerce, who appear to have grounded the condemnation of this ship on

her being deficient in the sea-letter, by virtue of the 25th article of the treaty of 1778.

No citizens of the United States are resident at this place; the few who are here, are at this time owners of, and interested in French privateers: I do not think I shall expose myself to censure in hazarding the observation that the privateers of this port which have offered any molestation or vexation to American vessels, are wholly and in part owned by citizens of the United States; of these I may quote the privateer Buonaparte, (formerly ship Apollo, of Boston) wholly owned by Americans; the privateers Vengeur, and Le Hardy, owned principally by Americans, and the latter commanded by John Cowell, of Boston.

I have the honour to be, &c.

J. COX BARNET.

P. S. While concluding the above, sir, I am informed by good authority, of the arrival of captain Cowell of the privateer Le Hardy, at Morlaix, and that he has taken a ship of 400 tons, of Boston, bound from thence to London, loaded with sugar, coffee, cotton, &c. and ordered her to a French port; I cannot learn her name.

J. C. B.

Extract from the Register of Protest of Masters of Foreign Vessels.

On the 27th Frimaire, in the 5th year of the French Republick, one and indivisible, at the national custom house at Brest, appeared Nehemiah I. Ingraham, master of the American ship Diana, belonging to Mr. Edward Swarbrick, of Savannah in the state of Georgia, in the United States of America, of the burden of about two hundred and eighty tons, furnished with a crew of thirteen men; who, assisted by citizen C. N. C. Langlot, as interpreter, declared, that he sailed from Liverpool with his said vessel, on the 15th of October, 1796, with a cargo of divers merchandises; that at sea, whilst he was pursuing his destination with a favourable wind, on the 23d of October, 1796, in latitude 49 degrees, 31 seconds, and 9 degrees, 30 seconds, longitude from the meridian of London, his mate came into the cabin very early in the

morning and told him that the wind was favourable, and a vessel was sailing towards them. Having mounted the quarter deck, he was not there long before she fired a gun at the *Diana*;—he immediately hoisted his flag, and pursued his course: Another gun was fired at him, the ball of which fell near to his vessel; then he lay too, and when the vessel came along side of him, they asked in English whence he came; he answered, that he came from Liverpool, and was bound to Savannah: they then ordered him to hoist out his boat and come on board with his papers, which he immediately did: whilst he was aboard he perceived she was a privateer called the *Vengeur*, captain Michel, of Brest, whereupon he was astonished seeing that she carried an English flag. His papers being examined, they were found complete. He was then asked whether he had a sea-letter on board; he answered affirmatively. His crew was kept on board the privateer and he was sent on board his vessel, accompanied by two officers and several men. When he came on board his vessel, he immediately looked into his little trunk to find the sea-letter among his other papers, but not finding it, he was going to search for it in his chest where it had been put with various other papers and letters, but he was not permitted to come near it; one of the officers who accompanied him, speaking to him in English, and absolutely forbidding him to search in the chest, where the paper they demanded certainly was; and finally, they obliged him to go into the boat, without even permitting him to take his bed, and only letting him take a very few of his clothes: they took from on board his vessel, seven sailors, the cook and two passengers, who were carried on board the privateer. Several officers of the privateer spoke with the captain and threatened him, ending the conversation by demanding from him an acknowledgment of his not having a sea-letter; he refused, as was his duty, but they answered, that if he did not sign the acknowledgment, they would put him in irons and confine him in the hold. To avoid this ill treatment, and knowing that an act extorted by violence and from one who was not free, cannot prejudice him who signs it, he determined to give them the acknowledgment they demanded, because he found himself threatened and surrounded by armed men, a circumstance which must justify him relatively to

the writing of the acknowledgment and its form: he adds, that he saw unloaded and taken out of the *Diana*, cordage, sail cloth, painter's oil, compasses, fowls, cheese, brushes, brooms, a speaking trumpet, &c. that he continued on board of the privateer *Vengeur*, until the 25th of October, when she was captured by the English frigate *St. Margaret*, which carried her to Cork, and he was informed at London, that his vessel the *Diana*, was carried into the port of Brest, which determined him to go there in order to claim his said vessel and her cargo, that he might proceed according to his destination, seeing his neutral and friendly quality which is proved by his register or deed of property, the deed of sale, shipping articles, bills of lading and invoice of part of the cargo, and even by a sea-letter, which might be found in his chest remaining on board the privateer.

For all which he protests as well against his arrest as against the distress of his person, and against the violence used towards him, in extorting from him the acknowledgment above mentioned, reserving his right to sue for damages and interest against the agents and owners of the privateer *Vengeur*, and to oblige them to bear all losses resulting from the arrest of his said vessel; reserving his right to extend his protest and to have the present declaration attested to by his crew, in case they should come to France, as he expects to pursue the remainder of his voyage, and has signed on the register with citizen *Langlot*, his interpreter.

NEHEMIAH I. INGRAHAM, Captain, and
LANGLOT, his Interpreter,

A copy conformable with the original.

LE TOURNEUR.

I, J. Cox Barnet, consular agent of the United States of America, for the port of Brest, do certify that the above protest is a true copy of the original in my hands, delivered to me by citizen *Le Tourneur*, collector of the customs of this port.

J. COX BARNET.

Brest, January 28, 1797.

IN THE NAME OF THE FRENCH PEOPLE.

The Tribunal of Commerce, of Brest, Department of Finistere, has rendered the following Judgment.

Extract of the Register of Audience of the Tribunal of Commerce of Brest, Department of Finistere.

THE tribunal of commerce established at Brest, exercising the functions attached to it by the decree of the 14th February, 1793, (O. S.) and in execution of the law of the 3d Brumaire last, which gives to it the power of rendering judgment in cases of prize, which had been before given to it by a decree of the committee of publick safety, of the 4th Floreal, 2d year, having seen the declarations made before a justice of the peace, of the 8th of last Brumaire, by the prize-master, that citizen Michel, commandant of the privateer Vengeur, being on a cruise, in latitude 50 degrees 30 seconds, and 11 degrees 43 seconds longitude, took the ship Diana, captain Ingraham, calling himself an American, of the burden of about 300 tons, laden with divers merchandise, on a voyage from Liverpool to Savannah, having six passengers, under the American flag; the request of citizen Corbet, commissary *aux classes*, of the same date, to the justice of the peace, to go on board the said vessel and make a summary inventory, and to place the seals; eleven examinations of the persons hereafter mentioned, to wit, George, Mernezie, Cambuzier, of Charleston, three passengers of the vessel called the Sally, put on board the Diana by the privateer Vengeur, Zenard, carpenter of the Diana, James Stanley, mate of the said vessel, Mark John, passenger, Richard J. Wambrick, supercargo, John Miller, tanner, passenger, Petatin, prize-master from the privateer Vengeur, Louis Garandroux, second prize-master, J. B. Laferu, officer of marines, the commission of the said prize-master, the declaration made on board the privateer Vengeur, by captain Michel, relative to the causes of stopping the ship Diana, the process verbal of the placing of the seals by the justice of the peace, of the 6th of the said month, the act of property or register, the shipping articles, the declaration of Nehemiah I. Ingraham, captain of the Diana, that the captain of the privateer Vengeur took his papers

from him, and that he had no sea-letter, the contract of sale of the *Diana* by Thomas Agri, formerly of Pittston and at present at Liverpool, to Edward Swarbrick, formerly of Savannah and at present at Liverpool, two invoices of divers merchandise, divers receipts of lighthouse duties of the coast of England, divers declarations respecting merchandise laden on board the *Diana*, two bills of lading of the said merchandise, a passport of the United States for J. Miller, Esquire, another of the American consul at Liverpool for James Stanley, the act of naturalization in America of Richard Swarbrick, which papers above mentioned have been translated into the French language by the sworn interpreters, Lecointre and Marzin.

The whole being maturely examined, the tribunal considering,

1. That from the result of divers examinations, and particularly from those of George, Mernezie, Cambuzier, and of divers passengers, there exists a doubt on the quality of the ship *Diana*.*

2. That it appears from the said examinations, that papers were thrown overboard at the time of the capture;† that the regulation of the 26th July 1778 declares, article 3d, that vessels belonging to neutrals or allies, which, under such circumstances, throw papers overboard, shall be good prize.

3. That article 25th of the treaty of the 6th February 1778, concluded between France and the United States expressly declares, that the vessels of the contracting parties shall be furnished with sea-letters or passports, from their respective governments.

4. That the 27th article of the same treaty declares, that when the vessels of one of the contracting parties, shall be met by a vessel of war of the other, or by a privateer, the master of the vessel shall show his passport evidencing the property of the vessel, and that it shall not

[*Notes by Mr. Barnet.*]

* A mulatto man, who denies having made a declaration of this kind.

† Declaration made by an Irishman, prisoner, sent in here on board the *Diana*, and since set at liberty and entered into the service of the Republic.

be free for her to continue her voyage until she has shown this passport.

5. Considering, in fine, that it results from the declaration made by captain Ingraham, commanding the ship *Diana*, that he had no sea-letter or passport: *Declares* to be good prize the said ship *Diana*, with her tackle and apparel and her cargo,—orders that sale shall be made of her in the accustomed manner, in order that the proceeds may be divided among the owners, officers and crew of the privateer *Vengeur*, and that in consequence all guardians, sequestrators and depositaries shall deliver them up, for doing which they shall be warranted.

Brest, the 8th Frimaire, 5th year of the Republick, one and indivisible—Signed on the register Joseph Duplessis, president, Guilhem, the elder, Binard, the father, Lorans, judges, and Chalands, an assistant to the judges.

Signed and delivered,

HETET, Sec.

I, J. Cox Barnet, consular agent of the United States of America, for the port of Brest, do certify that the above is a true copy of the original signed by Hetet Greffier of the tribunal of commerce of this commune, now in my hands.

J. COX BARNET.

Brest, 28th January, 1797.

Extract of a Letter from Joseph Iznardi, Consul of the United States at Cadiz, to the Secretary of State, dated Cadiz, 15th December, 1796.

I SHALL NOW proceed to exhibit in one point of view, the number and actual situation of the American vessels detained in the ports under the district of this consulate, which are as follow.

Mercury of New York, Captain Brooks.—She was taken by a French privateer, going into Gibraltar for instructions from the owner's correspondents, to proceed up the Mediterranean. She is now detained at Malaga, and the judicial proceedings sent to Madrid in order to have the affair settled by the ministers.

Eliza of Charleston, Captain William Flagg.—She was taken by the same privateer, going also to Gibraltar for instructions to proceed up the Mediterranean. The judicial proceedings of her cause were sent to Madrid with those of captain Brooks, to be conjointly arranged. The cargo of this vessel has been landed at Ceuta, and I have opposed its being sold until a determination is agreed to by the ministers at Madrid. The vessel is released and now here.

Elizabeth of Philadelphia, Captain Garner.—She was taken coming from London and brought here; and was going to Sevilla to load with fruit on account of a house at Hamburgh. She has no proper sailing documents, but only a certificate that she is American property by purchase in London. I have opposed her being condemned, and wrote to London, demanding the documents wanting. Independent of the difficulties arisen on that account, this admiralty wants to condemn her for not having the passports required by the 17th article of the late treaty of commerce and amity between the United States and the king of Spain; but I have shown to the court she could not possibly be provided with it.

Mary Ann of Philadelphia, Captain Smith.—She was taken by the Grand Dorade French privateer, going from Saffi to Lisbon with wheat, and brought in here. Her papers are perfectly right, and the French seem perfectly satisfied on that head, which made me expect her immediate release; when they have suddenly started difficulties, which are nothing but cavilling and chicane. The cargo is on account of a neutral established at Lisbon, and is to be sold, and the amount given security for. This is the vessel I mentioned in my last, which had had the mate and crew taken out on the high sea, and nothing has since then been heard respecting them.

Commerce of Boston, Captain Langlois, and another American vessel—have been taken and carried into Alge-siras, going for and steering towards the Mediterranean. I have wrote to be acquainted with the particulars, and act accordingly.

Extract of a Letter from B. H. Phillips, Esquire, dated Curacoa, 25th March, 1797, and addressed to the Secretary of State.

SIR,—Within a few days past, the following vessels have been sent in here by cruisers under French colours, in consequence of a proclamation done by Victor Hughes at Guadaloupe, in the last month, and of which no doubt you have had notice ere this.—The vessels sent in are—ship *Fame*, captain Joseph Brown, belonging to Portsmouth, New Hampshire, from whence she sailed the ——— January, bound with a cargo of lumber to Grenada, where she sold her cargo, and received a return cargo of sugar and rum, which she has on board.

Brig Lady Washington, Captain Mayo Garrish, belonging to Newburyport, sailed from Charleston, South Carolina, the 29th of January last, bound with a cargo of rice, staves, pork and shingles, for a market, and sold her cargo at Barbadoes, where he received sugar and rum, which she has on board.

Schooner Two Friends, Captain ——— *Van Ransley*, (the captain was kept on board the privateer, and is not yet arrived) belonging to New York, sailed from Wilmington, North Carolina, 20th of January, loaded with a cargo of turpentine, pitch, tar, tobacco and lumber, cleared out for New York, but by letters said to be in possession of the captors, was bound to Martinico.

Extract of a Letter from Frederick Folger, Esq. appointed Consul for the United States, at Aux Cayes, to the Secretary of State, dated February 10, 1797.

“HEARING with pain of the captures made on the vessels of the United States, and brought into the different ports of this island, I endeavoured to obtain a list of them; but as they are carried into ports distant from my residence, it was a long time before I could succeed; however, I have the honour to transmit you one, although imperfect. I wish it may be acceptable; it exhibits a melancholy picture of the hazardous state of our commerce, which it seems, has been always a prey under some pretext or other to the belligerent powers.”

Capture was made by the Department of State.

<i>No</i>	<i>When cap</i>	<i>Whether condemned.</i>
1	April 1, 1797	Vessel and cargo condemned
2	October 23, 1796	Ditto
3	Dec. 28, 1796	Ditto
4	March 5, 1797	Ditto
5	Nov. 20, 1796	Ditto
6	Feb. 24, 1797	Crew driven away
7	Feb. 14, 1797	Cargo condemned, vessel released
8	Dec. 27, 1796	
9	Dec. 24, 1796	Condemned
10		Vessel and cargo condemned
11	Jan. 16, 1797	Cargo sequestered and vessel released
12	March 6, 1797	
13	Oct. 12, 1796	
14	March 25, 1797	Deserted
15	Dec. 25, 1796	
16	Oct. 18, 1796	Vessel and cargo condemned
17	Feb. 20, 1797	Ditto
18	Aug. 29, but conder	Cargo condemned
19	Plundered at sea by	
20	November, 1796	Part of cargo condemned
21	Ditto	Not decided
22	March 30, 1797	Undecided
23	March, 1797	Ditto
24	Same time	Ditto
25	Aug. 20, 1796, but	Cargo condemned
26	Dec. 1, 1796	Released
27		Ditto
28		
29		
30	March, 1797	Vessel and cargo condemned
31	March 2, 1797	Ransomed
32	Jan. 15, 1797	

Extract of a Letter from B. H. Phillips, Esquire, dated Curacoa, 25th March, 1797, and addressed to the Secretary of State.

SIR,—Within a few days past, the following vessels have been sent in here by cruisers under French colours, in consequence of a proclamation done by Victor Hughes at Guadaloupe, in the last month, and of which no doubt you have had notice ere this.—The vessels sent in are—ship *Fame*, captain Joseph Brown, belonging to Portsmouth, New Hampshire, from whence she sailed the ——— January, bound with a cargo of lumber to Grenada, where she sold her cargo, and received a return cargo of sugar and rum, which she has on board.

Brig Lady Washington, Captain Mayo Garrish, belonging to Newburyport, sailed from Charleston, South Carolina, the 29th of January last, bound with a cargo of rice, staves, pork and shingles, for a market, and sold her cargo at Barbadoes, where he received sugar and rum, which she has on board.

Schooner Two Friends, Captain ——— Van Ransley, (the captain was kept on board the privateer, and is not yet arrived) belonging to New York, sailed from Wilmington, North Carolina, 20th of January, loaded with a cargo of turpentine, pitch, tar, tobacco and lumber, cleared out for New York, but by letters said to be in possession of the captors, was bound to Martinico.

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AN ABSTRACT

Of depredations committed on the commerce of the United States, by French cruisers, where the capture was made or sentence pronounced since Oct. 1, 1796, and to substantiate which documents are remaining in the Department of State.

No. of Vessel's Name.	Master's Name.	Where belonging.	Where from.	Whither bound.	When captured.	And by whom.	Value.	Species of lading.	Whither carried.	Whether condemned.
1 Schr. Milton	Thomas Brooks	New York	Barbadoes	Martinique	April 1, 1797	French privateer	Unknown	Provisions	Guadaloupe	Vessel and cargo condemned
2 Ship Diana	Nehemiah I. Ingraham	Savannah	Liverpool	Savannah	October 23, 1796	Ditto	Ditto	Various articles	Brest	Ditto
3 — Pattern	W. Bull	New York	New York	Jamaica	Dec. 28, 1796	Ditto	Ditto	Unknown	Fort Liberty	Ditto
4 — Lady Walterstorff	Gutter-on	Philadelphia	Demarara	Philadelphia	March 5, 1797	Ditto	Ditto	Sugar, rum, coffee, &c.	Guadaloupe	Ditto
5 Brig Russell	Smith	North Carolina	New Providence	Jamaica	Nov. 20, 1796	Ditto	8,000	Unknown	St. Domingo	Ditto
6 Schr. Zolpha	S. Briard	Portsmouth, (N. H.)	Tobago	Portsmouth	Feb. 24, 1797	Ditto	10,308 78	Sugar and rum	Porto Rico	Crew driven away
7 Ship Eliza	Burton	—	Barbadoes	Norfolk	Feb. 14, 1797	Ditto	—	Same	Guadaloupe	Cargo condemned, vessel released
8 Brig Tno	Story	New York	New York	Jamaica	Dec. 27, 1796	Ditto	—	—	Rescued by crew	—
9 Schr. Betsey	Brown	North Carolina	Jeremie	Turk's Island	Dec. 24, 1796	Ditto	—	—	Port-de-Paix	Condemned
10 Brig Betsey	Baker	—	—	—	—	Ditto	—	—	Guadaloupe	Vessel and cargo condemned
11 — Eliza	Franks	New York	New London	Windward Islands	Jan. 16, 1797	Two frigates, French	—	—	Ditto	Cargo sequestered and vessel released
12 Schr. Tw. Friends	Van Rensselaer	Ditto	Wilmington, (N. C.)	Martinique	March 8, 1797	A French privateer	—	Turpentine, pitch, tar, tobacco, and lumber	Curacao	—
13 Brig Almy	Cutter	Ditto	Jamaica	New York	Oct. 12, 1796	Two ditto	—	Rum, coffee, and pimento	Re-captured by British	Deserted
14 Ship Nancy	Dull	—	Savannah	Cape Nichola Mole	March 25, 1797	A French privateer	—	—	Jean Rabel	—
15 — Commerce	Ham	Newburyport	Norfolk	Jamaica	Dec. 25, 1796	Ditto	—	Lumber, &c.	Captured and abandoned	—
16 Brig De-patch	Lunt	Portsmouth, (N. H.)	Cape Nichola Mole	Portsmouth	Oct. 18, 1796	Ditto	14,454	Molasses	Port-de-Paix	Vessel and cargo condemned
17 Schr. Delight	Hatch	Penobscot	Barbadoes	—	Feb. 20, 1797	Ditto	7,200	Rum and sugar	Porto Rico	Ditto
18 Brig Resolution	—	Portsmouth, (N. H.)	Demarara	Portsmouth	Aug. 29, but condemnation in Nov. 1796	Ditto	12,500	—	Ditto	Cargo condemned
19 Ship Commerce	Lawton	Newport	Hamburgh	Newport	Plundered at sea by a French privateer	—	—	—	—	—
20 Brig Rover	Smith	Baltimore	Malaga	Tangier	November, 1796	A French privateer	—	Sugar, coffee and wine	Malaga	Part of cargo condemned
21 Schr. Nancy	Pakner	Alexandria	—	Ditto	Ditto	Ditto	—	Sugar and coffee	Ditto	Not decided
22 Ship Kitty	McPherson	Philadelphia	Isle of France	Philadelphia	March 30, 1797	Ditto	—	—	Porto Rico	Undecided
23 Brig Lady Washington	Gerrish	Newburyport	Barbadoes	—	March, 1797	A French cruiser	—	Sugar and rum	Curacao	Ditto
24 Ship Fame	Brown	Portsmouth, (N. H.)	—	Portsmouth	Same time	Ditto	—	Ditto	Ditto	Ditto
25 — Success	Gorton	Philadelphia	Jamaica	Philadelphia	Aug. 20, 1796, but condemned in Oct.	Ditto	14,000	Sugar, coffee and rum	St. Jago de Cuba	Cargo condemned
26 — James	Smith	Baltimore	Baltimore	—	Dec. 1, 1796	2 French frigates	30,250	—	Guadaloupe	Released
27 Brig Abou	Isaac	Ditto	St. Nichola Mole	Baltimore	—	—	8,797	—	Cape Francois	Ditto
28 — Mercury	Brooks	New York	—	—	—	A French privateer	—	—	Malaga	—
29 — Eliza	Flugg	Charleston	—	—	—	Ditto	—	—	Cuba	—
30 — Calhoun	Leonard	New York	Tenente	Curacao or St. Bartholomew's	March, 1797	Ditto	—	Wine	Guadaloupe	Vessel and cargo condemned
31 — Nomy	Wilmington, N. C.	—	Bristol	—	March 2, 1797	Ditto	—	Glass, nails, &c.	Augustine	Rescued
32 — Victoria	Stover	Newburyport	Aux Cayes	Newburyport	Jan. 15, 1797	Ditto	—	Molasses, sugar and cotton	St. Jago	—

ers and gun-bo Domingo.

<i>Where longing.</i>	<i>By a teer o taken</i>	<i>Fate.</i>
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No. 5.

SCHEDULE

Of the Names of American Vessels captured by the French, and of the Circumstances attending them, extracted from the Philadelphia Gazette, and the Gazette of the United States, and commencing with July, 1796.

1. Ship Hope, Coward, of Philadelphia, from Baltimore to Port-au-Prince, sent into Leogane.

2. Brig Friendship, Ryley, of Philadelphia, sent into Port-de-Paix.

3. Schooner Betsy, M'Culloch, from Jamaica, plundered at sea.

4. Brig Cornplanter, Cohoon, from Demarara, bound home, was sent to Guadaloupe, and condemned.

5. Brig Glasgow, Codwise, carried into Leogane, and condemned.

6. Brig Charlotte, King, of New York, carried into Leogane and condemned.

7. Sloop Nancy, Small, of Philadelphia, carried into Leogane.

8. Sloop Sincerity, Boyd, of Philadelphia, carried into Leogane, and condemned.

9. Sloop Delia, Huggins, of Philadelphia, carried into Leogane, and condemned.

10. Sloop Dolphin, Moray, of Philadelphia, carried into Leogane.

11. Brig Triton, Flinn, of Philadelphia, carried into Leogane, and condemned.

12. Brig Experiment, Huston, of Philadelphia, carried into Leogane, and condemned.

13. Schooner Bride, Robert, of Philadelphia.

14. Brig Industry, Massey, of Baltimore, carried into Leogane and condemned.

15. Schooner Hannah, Phillips, of Baltimore, carried into Leogane.

16. Schooner Alataea, Mann, of Georgetown, (S. C.) was carried into Leogane.

17. Brig Eliza, Whitefield, of Wilmington, (N. C.) was carried into Leogane, and condemned.

18. Sloop Joanna, Hunt, of Providence, was carried into Leogane, and condemned.

19. Sloop Sally, Smith, of Providence, was carried into Leogane.

20. Schooner Ann, Gibbs, of Boston, was carried into Leogane and condemned; having been bound to Port-au-Prince, with horses.

21. Schooner Juno, of Boston, was carried into Leogane, and condemned.

22. Sloop Britannia, Young, of N. Yarmouth, was carried into Leogane.

23. The Amie, of Boston, was condemned at Leogane.

24. The schooner Two Friends, Place, was plundered at sea of every thing the privateers could take.

25. The brig Polly, Watson, of Philadelphia, was captured by a French privateer, but recaptured by a British frigate: and she was again captured, carried into Petit Guave, and there abandoned by the captain.

26. The brig Brutus, Aborn, of New York, from St. Marc, with a cargo of provisions, dry goods and cash, valued at ten thousand dollars, and the vessel at five thousand, condemned.

27. Schooner Regulator, Stanwood, on her passage from New York, was captured and carried into Leogane. The cargo was taken without payment, and the vessel detained fifty days, during which time the mate and all the crew died.

28. Brig Keranhapuch, Lillibridge, of Philadelphia, was captured, carried into Meriguane, and her cargo of provisions, valued at 12,600 dollars, and vessel at 9000 dollars, were both condemned. She was from Philadelphia.

29. Brig Theodosia, Vansize, of Philadelphia, was carried into Basseterre, Guadaloupe, and condemned with her cargo, without a trial.

30. Brig Flora, was carried into St. Domingo.

31. Brig Nymph, Sullivan, of Philadelphia, was captured and carried into Petit Guave. Her cargo of provisions and dry goods was valued at 10,000 dollars.

32. Brig Franklin, Peck, of Philadelphia, from Port-au-Prince, with a cargo of sugar, valued at 5,400 dollars, was carried into Meriguane. The vessel and cargo were condemned. The vessel was valued at 4000 dollars.

33. Schooner Catharine, Towne, was captured and carried into St. Domingo.

34. Schooner Mayflower, belonging to Norfolk, and bound thither from an English port, with a cargo of coffee, was captured and carried into Leogane.

35. Brig Mercury, Brooke, of Norfolk, from Cadiz to Gibraltar, was captured by a French privateer, and carried into Tariffa.

36. Schooner Ariel, Compton, of and from Baltimore, bound to Martinique, was captured and carried into Guadaloupe, where vessel and cargo were condemned.

37. Schooner Ranger, Brown, was detained at St. Martins, and her crew confined, because she had no sea letter.

38. Schooner Friendship, Harlow, from Martinique for Boston, was carried into St. Martins under pretence of her not having a sea letter, but on producing it she was liberated, though not before she had been plundered of various articles. Two other American vessels at that time in St. Martins, were condemned, because they could not produce such a document.

39. Brig Nancy, May, of New York, was carried into Meriguane, whilst she was on a voyage from St. Marc's with a cargo of provisions and dry goods, valued at 20,000 dollars: the vessel was valued at 5,000. They were condemned.

40. Brig Mary, Boyle, of Baltimore, was carried into Meriguane with a cargo of provisions, valued at 6,000 dollars. The vessel was valued at 6,000 dollars. She was from Baltimore. They were condemned.

41. Brig Freemason, Wire, of New York, from Jeremie, with a cargo of provisions and dry goods, valued at 26,000 dollars, which with the vessel valued at 3,000 were condemned.

42. Schooner Rainbow, Howland, of New Bedford, was carried into l'Ance-a-veau with a cargo of oil from Cape Francois to Petit Guave;—cleared.

43. Schooner Catharine, Story, of Philadelphia, carried into l'Ance-a-veau with a cargo of provisions and dry goods, and condemned.

44. Sloop Jenny, Adams, of Boston, was carried into l'Ance-a-veau.

45. Ship Mount Vernon, was condemned at Porto Rico.

46. Brig Almy, Cutter, was captured by a French privateer, but recaptured by a British sloop of war.

47. The ship Diana, of South Carolina, from Liverpool bound to Savannah, was captured and carried into Brest.

48. The ship Sally, of Boston, from Ireland, was captured by a French privateer and sent into Brest.

49. The ship Golden Age, of Philadelphia, was captured on her homeward voyage from Kingston and sent into Havanna.

50. The ship Thomas, Martin, of Charleston, was boarded by a privateer without a commission, plundered of a great number of articles and carried to St. Jago, and thence to Havanna.

51. The Ann and Maria, of Baltimore, was captured on her homeward passage from Jamaica, carried into St. Jago of Cuba, and condemned.

51. Schooner Charming Polly, Preschett, of Baltimore, from Jeremie, with a cargo of coffee and cotton, valued at 25,000 dollars, was captured and carried into Petit Trou. The vessel was valued at 3,600 dollars. They were both condemned.

52. Schooner Zephir, Hansford, of Norfolk, was condemned at Cape Francois.

53. Schooner Three Friends, Wilson, of Baltimore, from Port-au-Prince, was carried into Leogane, with a cargo of sugars and dry goods, valued at 24,000 dollars—condemned.

54. Schooner —, Harding, of New York, was carried into Aux Cayes, and abandoned there.

55. Ship Active, from Norfolk to Jamaica, was sent into Port-de-Paix.

56. The brig Dispatch, Lunt, from Port-au-Prince, with a cargo of molasses, valued at 8,000 dollars, which with the vessel, valued at 4,000 were condemned.

57. Schooner Argus, of Baltimore, was condemned at Guadaloupe for trading with a British island.

58. Schooner Citizen, Gilbert, on her passage from Norfolk to Martinique, was captured and carried into Guadaloupe, and there released.

59. Schooner *Phœbe*, Webb, from New London to Jeremie, was carried into Petit Guave, where she was plundered and detained.

60. Brig *Nancy*, Webb, was carried into Petit Guave. She belonged to New-London.

61. Schooner *Hope*, Jacocks, of Philadelphia, from Philadelphia, was carried into Petit Guave with a cargo of provisions, &c. valued at 3,000 dollars.

62. Brig *Clio*, Ball, of and from Baltimore, was carried into Petit Guave with a cargo of provisions.

62. Sloop *Leader*, Warner, of Cape Ann, from thence with cargo of provisions, valued at 5,000 dollars, was carried into Petit Guave.

63. Schooner *Amelia*, Cockrin, of and from Boston for Europe, was carried into Petit Guave, with a cargo of wine and dry goods, valued at 16,000 dollars.

64. Schooner *Jane*, Atwood, went to Cape François on a trading voyage, and there the governmental administration seized the cargo without allowing any compensation.

65. Brig *Clarissa*, Bruton, of and from Philadelphia, for Trinidad, was carried into Guadaloupe, and her cargo condemned.

66. Ship *James*, Buchanan, of Baltimore, bound to the West Indies, was captured the beginning of January, and carried into Guadaloupe, where her cargo was sold and sequestered.

67. Schooner *Return*, Nichols, from Barbadoes to New York, was carried into Guadaloupe, where her cargo, and all the specie she had on board, were condemned.

68. The brig *Mary*, of New York, from Barbadoes for North Carolina, was taken on the 29th December, and carried into St. Marks.

69. The brig *Westmoreland*, Troop, of New York, was captured off the Havanna by a French privateer, and sent for New Orleans.

70. Ship *Hope*, Sewall, of Boston, was captured by a French privateer, four hours after leaving St. Thomas's, and sent to leeward.

71. The Schooner *Washington*, Jones, of Baltimore, was condemned at Port-de-Paix.

72. The schooner *Hannah*, Bright, of Alexandria, was condemned at the same place.

73. The sloop *Hiram*, Baldwin, was condemned at the same place.

74. Ship Hope, Seward, of Boston, was carried into Porto Rico.

75. Brig Susan, Lines, of New Haven, was carried into Guadaloupe, and her cargo taken.

The following vessels were captured by French privateers, and carried into Cabo Roxa, in Porto Rico :

76. Brig Resolution, Moore, of Portsmouth, New Hampshire, from Demarara—cargo condemned : 77. Schooner Neptune, Pease, of Savannah from Grenada—vessel and cargo condemned : 78. Schooner Shetucket, Bowdish, of New Haven, also from Grenada—vessel and cargo condemned.

79. The Juliana, capt. Hayward, was captured on her voyage from Hamburgh to Baltimore by a prize brig belonging to commodore Barney. She was carried to Porto Rico, and after some detention, dismissed.

80. The ship Sally, Bayne, of New York, from Demarara bound home, was carried into St. Martins, and the vessel and cargo condemned.

81. The brig Mary, Beattie, of New York, was carried into St. Martins ; she was on a voyage from Barbadoes to Turk's Island.

82. Brig ———, of Sheepscut, Massachusetts, captain Crawford, from St. Bartholomews to Georgia, was carried into the same place.

83. Schooner ———, of Newbern, capt. Tinker, had cleared out from St. Martins for St. Bartholomews, but was brought back by a privateer, and was waiting for trial.

84. The ship Reimsdyke, of Providence, Aborn, master, from the Isle of France, was captured by a French cruiser, and carried to St. Martins, but was cut out of the harbour by a British lugger, and carried to Tortola.

85. The brig Betsey, Baker, from Wells, in Massachusetts, to Cape Francois, was carried into St. Martins, where the vessel and cargo were condemned.

86. The schooner Rebecca, of Baltimore, Hall, master, was captured and carried into St. Martins, and there abandoned.

87. The brig Peggy, Kilby, of and bound to Philadelphia from Port-au-Prince, was captured by a French privateer, and afterwards recaptured by a British ship of war.

88. Ship Commerce, Ham, of Newburyport, was captured by a French privateer, and abandoned by them on the appearance of a British ship of war.

89. 90. Brig John, Tucker; and schooner Kitty, Harper, from Jeremie, with coffee, bound to New York, were taken by a French privateer, and sent into Cuba.

91. The brig Russel, Smith, of Newbern, sailed thence with a cargo of lumber, bound for a market in the West Indies. She was captured, carried to Cape Francois, and condemned.

92. The brig Susan and Polly, of and from New York to Jamaica, was carried into Port de Paix, and condemned without a trial.

93. Ship Andromache, Kingston, of Philadelphia, from Cadiz, was captured, detained, and plundered by a French privateer.

94. Sloop Polly, Turner, of Derby, Connecticut, was taken on the 3d of December, carried into Guadaloupe, and condemned.

95. Brig Patriot, Bishop, with her cargo, were condemned at Cape Francois.

96. The Speedwell, of Alexandria, was forced by distress to enter Cape Francois, where she was seized and condemned.

97. Ship ———, Butt, of New York, was sent into Cape Francois for adjudication.

98. Schooner Hopewell, Skinner, was condemned at the Cape.

99. Brig Speedwell, Crawford, from Nevis to Savannah, was carried into Guadaloupe, and after a long detention, acquitted.

100. Brig Nancy, of Newbern, was carried into St. Martins.

101. Schooner Elizabeth, Trott, from Demarara to New London, was carried into St. Martins by a French privateer, and the captain and some of the crew imprisoned.

102. Brig Woolwich, M^cCutcheon, of Philadelphia, from Port-au-Prince, with 100 hhds. and 100 bbls. of sugar, was carried into Cuba, and condemned.

102. Brig Lavinia, of Salem, from Aux Cayes, was sent into Cuba.

103. Schooner Harriet. Shield. of Philadelphia. was

taken and carried into Port de Paix, and condemned there.

104. Schooner Henry and Gustavus, Hempsted, from St. Bartholomews, was boarded by a French brig, and robbed of 129 joes, and some small articles.

105. Brig Polly, Clemens, of Portland, bound from London to Virginia, was carried into St. Bartholomews.

106. The Friends, of Norfolk, from London for Norfolk, was sent into Guadaloupe, and condemned.

107. The brig Swift, Luke, of and from Norfolk for Barbadoes, was carried into Guadaloupe, where the vessel was cleared, but the cargo condemned.

107. Brig Neptune, Blanchard, bound to St. Bartholomews with lumber, was carried into Guadaloupe, and condemned, because she had no sea letter.

108. Ship Charlotte, of Baltimore, carried into Guadaloupe, tried, and acquitted.

109. Brig ———, capt. Drane, bound to Europe, was carried into Guadaloupe, and compelled to sell her cargo.

110. Brig ———, capt. Bickford, from Russia to America, was carried into Guadaloupe.

111. Schooner Apollo, White, of Wiscasset, from Martinique to Savannah, was captured, plundered, and ordered for Porto Rico; but on the passage recaptured by a British vessel.

112. The Ruby, Smith, was captured by a French privateer, and ordered for St. Domingo, but rescued by the crew.

113. Ship St. Tammany, Dangerfield, of Virginia, from Liverpool to Savannah, with salt, was captured and carried into Guadaloupe.

114. Brig Thetis, Peterkin, of Baltimore, from Jeremie, was captured and carried into Baracoa, in the island of Cuba, plundered and detained as a prize.

115. Ship Pattern, Bool, of New York, was condemned for being bound to Jamaica.

116. Schooner Speedwell, Atkins, from Penobscot, was taken by a French privateer, and sent into Guadaloupe.

117. Schooner Jenny and Hannah, from Barbadoes for Connecticut, was boarded by a French privateer, and robbed.

118. Brig Eliza, Seymour, of and from New London, in Connecticut, to the West Indies, with horses, was carried into Guadaloupe, and condemned, together with her cargo.

119. Brig Betsey, Clark, from Wilmington, (N. C.) to Martinique, with lumber, grain, &c. carried into Guadaloupe, her cargo sequestered.

120. Brig Eliza, Francis, from New London, was carried into Guadaloupe, where her cargo was condemned.

121. Ship Washington, from the Isle of France to Boston, being blown off the coast, and in distress, was captured in sight of Deseada, and carried into Guadaloupe for adjudication.

122. Schooner Harriet, Eddow, of New York, from Carolina, was carried into Guadaloupe: her cargo was sequestered, and the vessel cleared.

123. Ship Eliza, Hambin, from Cork for New York, having sprung a leak, was obliged to bear away for the West Indies. She was captured by a French privateer, and run on shore at Mariegalante. The captain was imprisoned 32 days, and then dismissed.

124. Sloop Honour, Kemble, of and from New London, was carried into Petit Trou, with a cargo of provisions and live stock, valued at 3000 dollars, which with the vessel, valued at 1500 dollars, was condemned.

125. Sloop Nelly, Adams, of Boston, was captured and carried into l'Ance a veau in ballast.

126. Schooner Somerset, Dillingham, of Charleston, was carried into l'Ance a veau, with a cargo of salt and wine.

127. Brig Pearl, Webb, of and from New London, was carried into Petit Guave, with a cargo of provisions, valued at 6000 dollars.—She was abandoned.

128. Brig Pomona, of Baltimore, was carried into Leogane, and condemned.

129. Schooner Hannah, of Philadelphia, was carried into Leogane, and condemned.

130. Schooner Nancy, of Philadelphia, was carried into Leogane, and condemned.

131. Schooner Hibernia, of New York, was carried into Leogane, and condemned.

132. Schooner Polly, of Staten Island, was carried into Leogane, and condemned.

133. Schooner *Three Friends*, Parker, of Charleston, was carried into Leogane, and condemned.

134. Schooner *Eliza*, of Charleston, was carried into Leogane, and condemned.

135. Schooner *Liberty*, Williams, of Boston, was carried into Leogane, and condemned.

136. Schooner *Wilmington Packet*, Francis, of Charleston, was carried into St. Jago de Cuba, where she was condemned with her cargo, consisting of sugar and coffee.

137. Ship *Success*, Gordon, of Philadelphia, was carried into the same place, with a cargo of sugar, and condemned. She was from Jamaica.

138. Schooner *Harriet*, Chadwick, of New York, from North Carolina, for Barbadoes, was carried into Guadaloupe, where the cargo was condemned, and the vessel cleared.

139. Brig *Hope*, Sanford, of Alexandria, from Barbadoes for Virginia, was carried into Guadaloupe, where the vessel and cargo were condemned.

140. Ship *Mohawk*, Sutherland, of New-York, from Barbadoes, was carried into Guadaloupe, where the cargo was condemned.

141. Brig *Betsy*, Lord, of New London, from Surinam, was captured and carried into Guadaloupe. She was cleared.

142. Schooner *Active*, Atkins, from Penobscot, was carried into Guadaloupe, where her cargo was condemned.

143. Brig *Trial*, Dean, from Norfolk for Cadiz, was carried into Guadaloupe, and her cargo sequestered.

144. Schooner *Commerce*, Wilds, from Boston for a market in the West Indies, was carried into Guadaloupe, and the cargo condemned.

145. Snow *Two Sisters*, of Portsmouth, (N. H.) was captured and carried, the captain knew not where.

146. Brig *Dolphin*, Merry, of Boston, from Bonavista for Norfolk, was carried into Guadaloupe.

147. Brig *Two Sisters*, Hubbard, of Baltimore, from Berbice, was sent to Porto Rico, and condemned, with her cargo.

148. Brig *Panther*, Merrill, of Kennebunk, from Barbadoes, was captured and sent to St. Martins, where the cargo was condemned.

149. Ship James, Smith, of and from Baltimore, was carried into Guadaloupe; but cleared, having been taken before the promulgation of the arret authorizing it.

150. Sloop Betsey, of Boston, from Berbice, was carried into Guadaloupe—vessel and cargo condemned.

151. Brig Abigail, Fibbits, was carried into Guadaloupe, where the cargo was condemned.

152. Schooner Robinson Crusoe, Church, from Barbadoes, was captured, carried into Guadaloupe, plundered, detained, and then given up.

153. Schooner Lark, Hands, was carried into Port de Paix, and condemned.

154. Ship Active, Whitehouse, was carried into Port de Paix, and condemned.

155. Schooner Betsy, Brown, was carried into Port de Paix, and condemned.

156. Schooner Federal, Jones, was carried into Port de Paix, and condemned.

157. Schooner Thankful, Howland, was carried into Port de Paix, and condemned.

158. Brig Fanny, Brown, was carried into Port de Paix, and condemned.

159. Brig Digby, Taylor, was carried into Port de Paix, and condemned.

160. Brig Susan and Polly, Abeeton, was carried into Port de Paix, and condemned.

161. Brig Georgia Packet, McKeever, was carried into Port de Paix, and condemned.

162. Schooner Eutaw, Smith, was carried into Port de Paix, and condemned.

163. Brig Abigail of Portsmouth, New Hampshire, was captured as she was going into Antigua, with provisions.

164. Brig Hope, Bradford, of, and to Alexandria, from Barbadoes, was carried to Guadaloupe, and condemned.

165. The Mermaid, Tilton, from Boston for London, was met by a French privateer, which put on board of her 20 prisoners, without allowing them any provisions.

166. Schooner Two Cousins, Dewall, from Jeremie to Philadelphia, was captured by a French privateer, run on shore by them, and then deserted.

167—8—9—170—1. Schooner Henry, Walter, and Snow Endeavour, Freeman, both of Philadelphia, and the

Sloop Speedwell, Clark, Schooner Kitty and Maria, Logan, and Schooner Triton, Beeby, were all condemned and sold at Gonaives.

172. Ship Mary, Nye, of Baltimore, was chased on shore within a few leagues from Berbice, by a French privateer.

173. Schooner Poll, Woodward, of Philadelphia, was taken on her passage from Jeremie, and sent for Cuba, by a French privateer.

174. Ship Eliza, Burton, from Barbadoes for Norfolk, was carried into Guadaloupe. Her cargo was condemned, and the crew plundered and insulted.

175. Ship Nancy, Cunningham, from Bristol bound to Wilmington, was captured by a French privateer, carried to St. Augustine, and ransomed by the master.

176. Sloop George, of Kennebunk, Grant, master, was captured and carried into Cabo Roxa, where being driven from his vessel by the privateers, captain Grant abandoned her.

177. Brig Union, Lyddleman, of Norwich, was carried into Porto Rico.

178. Schooner Lepper, Breard, of Portsmouth, was captured and carried into Porto Rico.

179. Brig Fanny, Gould, of Biddeford, cleared for Leogane, was carried into Port de Paix, and condemned.

180. Brig America, Town, of Philadelphia, bound from St. Thomas's to Port de Paix, or Cape Francois, arrived at the former place, where her cargo and cash to the amount of near 17,000 dollars were taken by the administration.

181. Brig Two Sisters, Worth, from Norfolk for Leogane, was carried into Cuba and sold.

182. Brig Three Sisters, Wardwell, from London to Halifax, was carried into Havre, with a cargo supposed to belong to the British government, but both vessel and cargo were condemned.

183—4—5. Brigs Nalouisca, of Newburyport; Oxen, of New-York, and John, of the same place, were carried into St. Jago.

186. The Penelope, on her passage from Petit Guave, was sent for Carthagena, but recaptured by a British ship, and sent for Jamaica.

187. Schooner John, Cook, was carried into St. Martins.

188. Sloop Minerva, of Providence, from Africa to St. Thomas, was carried into Guadaloupe, and condemned.

189. Brig Fly, Russel, on her passage from Antigua to Philadelphia, was taken by a French privateer, and carried into St. Martins.

190. Schooner Governor Clinton, bound from Jeremie to Philadelphia, was captured by a French privateer, and sent, it is not known whither.

191. Schooner Two Friends, Rensselaer, of New York, from Wilmington, (N. C.) to Martinique, was captured and ordered for Curacoa.

192. Schooner Clara, of Baltimore, bound to Leogane, was captured and ordered for Port de Paix, but recaptured by a British cruiser.

193. Schooner Cynthia, Appleton, bound from Esquibo to Boston, was sent into St. Martins. The vessel and cargo were condemned.

194. Schooner Columbia, Bordman, from Tobago to Boston, was captured and carried into St. Martins.

195. Brig Hannah, Lathrop, of Boston, bound to Trinidad was carried into Guadaloupe, but cleared.

196. Brig Ann, of New York, and from thence bound to St. Thomas, was carried into Guadaloupe, and cleared.

197. Sloop Shepherdess, Dean, of and from Philadelphia for the West Indies, was carried into Guadaloupe, where her cargo was sequestered.

198. Sloop Mary, Goodhue, of and from Newburyport for Surinam, was carried into Guadaloupe, and cleared.

199. Ship Eliza, Burton, of Norfolk, from Barbadoes, was carried into Guadaloupe.

200. Brig Scipio, McNair, of New York, from Dublin to St. Croix, was carried into Guadaloupe.

201. Ship Little Mary, Banners, was captured off Mariégalante by the French, and recaptured by the British.

202. Schooner Hiram, Buchanan, from St. Bartholomews, was plundered and injured by a French privateer: she was captured by another and carried to Guadaloupe.

203. Brig Sally, of New York, was carried into Guadaloupe, and condemned.

204. Ship William, Strong, of Portland, was captured and carried into Porto Rico.

205. Schooner Active, Canoby, from Martinique for America, was carried into St. Martins.

206. Schooner Nabby, Munroe, of Bristol, (R. I.) from Africa for St. Thomas, was carried into Guadaloupe.

207. Sloop Shepherdess, of Alexandria, Dean, master, was carried into Guadaloupe by a French privateer, and her cargo was there condemned.

208. Brig Alexander, Shepherd, of Boston, was carried into Guadaloupe.

209. Schooner Trial, Roper, of Alexandria, was carried into Guadaloupe.

210. The Sea Nymph, Hastia, was captured by a French privateer, and sent it is not known whither.

211. Ship Nancy, Dill, of Philadelphia ; 212. Ship Polly, Pienew, of Portland ; 213. Ship Brandin, Gay, of Norfolk ; 214. Ship Louisa, Talman, of Boston ; 215. Brig Two Sisters, Skaler, of New York ; 216. Brig Sally, Yardly, of Philadelphia ; 217. Schooner Citizen, Massey, of Baltimore ; 218. Schooner Molly, Wise, of Baltimore ; 219. Schooner Columbia, Thompson, of Providence ; 220. Sloop James, Palmer, of Philadelphia ; 221. Sloop Betsy, Pope, of Philadelphia ; 222. Sloop Martha, Towles, of Fredericksburg ; 223. and Sloop Industry, Hitchcock, of New Haven, were all captured by French cruisers and carried into Jean Rabel, in St. Domingo, where they were also all condemned.

224. The Brigantine Lady Walterstorff, Gutterson, of Philadelphia, from Demarara, was carried into Guadaloupe and condemned.

225. The Ship Ann & Susan, West, of Philadelphia, was seen in possession of a French privateer.

226. Schooner Hawk, Parrock, from Jamaica to Philadelphia, was plundered at sea by a French privateer, and then dismissed.

227. Brig Baron de Carondelet, M'Call, from Leghorn, was twice boarded, plundered and detained by French privateers.

228. Brig Lipsbury, Farly, from Guadaloupe to Boston, was boarded by a French privateer, plundered and searched.

229. Brig General Warren, Stowel, was captured by the French, carried to St. Eustatia, condemned at Guadeloupe, and sold at the former place.

230. The sloop Urania was lying at Guadaloupe as a prize.

231. The sloop Fox, Brooks, of Hartford, bound thence to Leogane, was captured, carried to Port de Paix, and vessel and cargo there condemned; the owners of the privateers having given the commissaries 100 half joes to pronounce that sentence.

232. The brig Peace, Allen, of Providence, bound from Dover to Surinam, having touched at Cayenne, was seized there as being bound from a British port, and condemned. Her value was 25,000 dollars.

233. Schooner Columbus, Mason, from St. Vincents to Kennebunk, was boarded by a French privateer, plundered, set fire to and abandoned.

234. Sloop John, Lee, captured by a French privateer and carried into St. Martins, but was suffered to depart after being plundered and after the captain was obliged to pay for the shot fired at him on making the capture.

235. Brig Alexander, Shepherd, of Boston, was carried into Point Petre.

236, & 237. Brig Matilda of Baltimore and schooner Neptune of Boston, bound from Teneriffe, were captured by a French privateer and carried into St. Thomas, where they were restored.

238. Ship Atlantic, of Baltimore, from Teneriffe, was captured by the French, but recaptured by the British.

239. Schooner Ranger, Riply, from Surinam for Boston, was fired at, boarded, plundered and dismissed by a French privateer.

240. Brig Sally, Johnson, from Surinam to Newburyport, was plundered by a French privateer, which also flogged the captain.

241. Brig Seven Brothers, Singleton, from Port-au-Prince to Jamaica, was carried into Gonaives and condemned.

242. Ship Sedgley, from Philadelphia to Jamaica with staves, was carried into St. Domingo and condemned.

243. Brig Orange, Hunt, of Rhode Island from St. Lucia to Havanna; 244, schooner Active, and 245, Eliza,

both of Norwich and from Tobago, bound home were captured by a French privateer and sent into Curacoa.

244. Barque Susanna, Smith, of Biddeford, was taken and carried into Porto Rico. She was bound from St. Vincents.

245. Schooner Isabella, Jones, from St. Kitts, was carried into Porto Rico, but released.

246. Schooner Adventure, Compton, of Baltimore, from Demarara with coffee, was carried into Guadaloupe.

247. Schooner Jenny, Butts, of Alexandria, was carried into Guadaloupe with flour.

248. Brig Diana, Fairchild, of New York, was sent into Guadaloupe and condemned.

249. Schooner Lucy, Califf, was taken and carried into Cape Francois and condemned.

250. Schooner Mary, Thompson, was carried into Cape Francois and acquitted.

251. Ship Friendship, Smith, was robbed and maltreated by a French privateer.

252. Ship Louisa, Clark, of Kennebeck, was carried into Jean Rabel and condemned.

253. Brig Lavinia, Cassin, was carried into St. Eustatia.

254. Schooner Delight, Hatch, of Penobscot, from Barbadoes, was carried into Porto Rico and condemned.

255. ———, Capt. Duckendorff, of Boston, from Tobago, carried into St. Thomas, and the mate and crew turned on shore naked and moneyless.

256. Brig John, Fry, of Baltimore, bound to St. Bartholomews, was carried into Porto Rico.

257. Brig Triumphant, was carried into Porto Rico, and cleared.

258. Brig Harmony, Bunham, of Kennebeck, was carried into Porto Rico.

259. Schooner Molly Farley, Williams, was carried into ———, and condemned at St. Domingo.

260. Sloop Maria, of New York, from Martinique, was taken by a French privateer and carried into Porto Rico.

261. Ship Hope, Rogers, of Baltimore, from Rotterdam, and 262. The ship Fox, from New York to Hamburgh were taken and carried into L'Orient; and the former condemned.

263. Schooner Sally, Richardson, of Philadelphia, from

Port-au-Prince, was taken by a French privateer and ordered for Cape Francois.

264. Schooner Penguin, Walters, from Alexandria, was taken by a French privateer and sent to Port de Paix.

265. Brig Trio, White, was taken by a French privateer, and carried into the Havanna, and condemned.

266. Brig Virginia, Butts, of Alexandria, was taken, carried to Guadaloupe, and condemned.

267. Ship Fair American, of New York, was carried into St. Domingo, and condemned.

268. Ship Nancy, Perry, from Philadelphia to London, and 269. Brig Two Sisters, Sheret, from Philadelphia to Jamaica, were captured by a French privateer, and sent for Cape Francois.

270. Brig Sally, Baty, of Baltimore, with flour and corn, was condemned at Guadaloupe.

271. The Maria Wilmans, Gardner, of Baltimore, was carried to Guadaloupe, where the cargo was condemned, and the vessel cleared.

272. Brig Sally, Vetel, of Rhode Island, and 273. Schooner Susannah, were both condemned at Guadaloupe.

273. Brig Juno, Walker, from Charleston to Hamburg, was taken by a French privateer, and sent into Brest.

274. Ship Charlotte, from Charleston to Bremen, was taken by a French privateer, and sent into Brest.

275. Ship Sally, from Guernsey to Dieppe, was taken by a French privateer, and sent into Dieppe.

276. Brig Ceres, Moore, of Newbern, bound to Trinidad, was taken by a French privateer, and sent into Porto Rico.

277. Brig Industry, Rider, from Demarara, bound to Boston, was captured by a French privateer, and sent into Cape Rooke.

278. Schooner Betsey, Sturges, from Trinidad, was taken by a French privateer, and carried into Porto Rico.

279. Brig Industry, Oran, of Portsmouth, (N. H.) was taken by a French privateer, and carried into Cape Rooke.

280. Brig Elizabeth, Gardner, of Philadelphia, was taken by a French privateer, and carried into Cadiz.

281. Brig Betsey & Patty, was taken by a French privateer. She belonged to Alexandria, and was coming from Antigua.

282. Ship Sally & Betsey, Dubbel, of Newfield,
 283. Brig Alexander, Backhouse, of New York,
 284. Brig Experience, Fitch, of New York,
 285. Brig American, Rhodes,
 286. Schooner Polly, Erwin,
 287. Sloop Sterea, Russell, of Middletown,
 288. Schooner Two Couzins, Devol, of Philadelphia,

were all captured by
 French cruisers and
 carried into Havanna.

289. Schooner Citizen, Lawrence, of Baltimore from Martinique.

290. Schooner Art, Dennison.

291. Schooner Richmond, Rea, of Charleston, from Trinidad.

292. Hestor & Eliza, Freeman, of Baltimore, from Tobago.

293. Schooner Isabella, Higgins, from St. Vincents.

294. Sloop Sally, Cargill, from Demarara.

295. Ship Nancy, Gardner, of Boston, from the Isle of France, having touched at the Cape of Good Hope.

taken by French privateers,
 and carried into Curacao.

296. Ship Alfred, Alguith, of Boston, from Lisbon to Saffee, with 12,000 dollars on board, was captured by a French privateer, but was recaptured by the British.

297. Schooner Industry, Mesroon, from Charleston to Jamaica, was carried into St. Jago by a French privateer.

298. Brig Commerce, Green, was carried into St. Jago by a French privateer; 299, also Brig Neutrality, Clark, of Kennbeck.

299. Brig Jefferson, Morris, was taken by a French privateer, but rescued by the captain.

300. The D. Forester, from London to New York, is taken and carried into Morlaix.

301. The Schooner Success, of Norfolk, was condemned at the Cape.

302. Ship Maria, Ferres, of New York, was taken by a French privateer, but recaptured by a British frigate.

303. Brig Eliza, Simpson, of New York, was carried into Guadaloupe, where vessel and cargo were condemned.

304. Brig William, McLellan, of Portland, from Barbadoes to New York, was carried it is not known whither.

305. Schooner Polly, Willis, of Alexandria, was carried into Guadaloupe and cleared.

306. Brig Nancy, Nimmo, of Alexandria, was carried into Guadaloupe and condemned vessel and cargo.

307. Schooner Milton, Brooks, of New York, was condemned at Guadaloupe.

308. Brig William, of Wiscasset, from Demarara, bound home, was captured by a French privateer and sent into St. Martins.

A few remarkable Cases of French Captures, extracted from the Newspapers.

1. A SHIP from Salem was taken by a French privateer to the windward of Turks Island passage; a British sloop of war heaving in sight, the Frenchmen quitted her, and heaving round under her stern, poured in several broadsides, which wounded four of her men.—*See Gaz. U. S. 7th Feb. 1797.*

2. The brig Glasgow, Codwise, of New York, being bound from Jeremie to Port-au-Prince, was captured and carried into Leogane. The captain was confined on board his vessel, his crew were excited to assassinate him: and on the 15th day of his confinement, having ventured on shore, he was taken up, placed in the fort, and there detained 36 hours, without provisions. After a detention of 68 days, seeing no prospect of a trial, he abandoned the vessel, and returned home.—*See Ph. Gaz. 18th Nov. 1796.*

3. Capt. Pierce, who had been carried to Leogane, mentions, that on his outward bound passage, in the Bite of Leogane, he was boarded by an armed French barge, the master of which beat his supercargo in so unmerciful a manner with his sword, that he died a few days afterwards. The barge robbed captain Pierce of about 300 dollars worth; and captain Miller, from Norfolk, to the amount 900 dollars worth; also captain Boyd, of Philadelphia, to a considerable amount. They afterwards saw the pirate in Leogane, and complained of him to the commandant, who imprisoned him three days, and then liberated him without giving further satisfaction.—*See Ph. Gaz. 28th Nov. 1796.*

4. The Hirondale, after having captured the schooner Zephir, captain Breard, of Portsmouth, and carried her

into Cabo Roxo, plundered her of all her provisions, leaving captain B. and crew nothing to subsist on. Capt. B. went on board the *Hirondale* to obtain satisfaction for the loss of his property, and to request, if it should not be made, leave to remain on board the privateer until his vessel was tried. The captain refused him any, ordered him on shore, and finally threw him overboard; the privateer being then under way on another cruise.—*Ph. Gaz.* 5th April.

5. The brig *Two Sisters*, captain Worth, from Norfolk for Leogane, was brought to by a French privateer to the leeward of Hispaniola. Capt. Worth was ordered on board; and when there, the captain of the privateer offering a paper written in French, ordered captain Worth to sign it. On his refusing, the pirate drew his cutlass and swore he would cleave his scull, if he did not immediately put his name to the paper; but captain Worth persisted in refusing, reasoning on the absurdity of his signing a writing in a language he did not understand. The privateersman then turned to the sailors (two Italians) and commanded them to write their names: they could not write; he then forced them with threats, and a drawn sword over their heads, to make their marks at the bottom of the paper. He then directly hailed the brig, informing that she was a good prize, as the men had signed a declaration, that she was bound to Jamaica. Capt. W. was carried to Cuba in the privateer, and four days afterwards the brig came in. On captain Worth's observing to the picarooning captain, that he could not have her tried and sold at Cuba, he was told that she was already sold; and soon afterwards a Spanish merchant was put in possession of her. Her papers were then sent to Cape Francois for trial.—*Ph. Gaz.* 6th April, 1797.

6. The schooner *Columbus*, Mason, from St. Vincents for Kennebunk, was boarded by a French privateer, which detained her six hours, and took out of her 60 gallons of rum, a bbl. of sugar, &c. The privateersmen said they would have carried her in, if they had found property enough to engage their attention. They brought fire from the privateer, ordered the boy to kindle it in the caboose, said they were going to burn the vessel, and ordered the crew to put their things on board the vessel, and convey them to the privateer. One of the privateersmen then

carried a firebrand to the mast head, another took one into the cabin, while a third conveyed one into the steerage; but on captain M. declaring he had no money, and refusing to quit his vessel, they desisted, and permitted him to proceed.—*Ph. Gaz.* 23 *May*, 1797.

7. The brig *Almy*, Cutter, was captured off the east end of Jamaica by two French privateers, one of which was the *Flying Fish*, built at Baltimore by one John Love, who afterwards sold her to her present owner at the Cape, and then went captain of her. He fired upwards of thirty shot at the *Almy* without hailing her, although lying to for twenty minutes before, with American colours flying. He then hailed and ordered the boat on board, which being done, he detained the mate, two seamen, the ship's register and other papers, and sent a prize master and three others, all armed, on board. They then hoisted in the boat and stood for Gonaives. Next day however they were recaptured by a British sloop of war.—*Ph. Gaz.* 3d *Jan.* 1797.

8. A gentleman from Porto Rico informs, that the American ship *Mount Vernon*, captured by the French privateer *Flying Fish*, captain Paris, had been condemned and sold there. The pretences for her condemnation were various; but on their being principally obviated, judgment was finally given on instructions to the commander of the privateer, sent by the French minister directing him to make prize of the ship. Paris, captain of the privateer, had been appointed consul at Porto Rico, and sat in judgment on his own cause.—*Ph. Gaz.* 28 *Dec.*

9. The schooner *Ranger*, Brown, was detained three days at St. Martins, after having been cleared out: and the captain and crew were confined on board a French frigate, under pretence that she had no sea letter. Previous to the *Ranger's* sailing, a schooner from Baltimore, and another from New York, were condemned under a similar pretext.—*Ph. Gaz.* 1st. *Dec.*

10. The schooner *Friendship*, Harlow, was captured and carried into St. Martins under a supposition, that she had no sea letter, but upon producing it she was released. *Ph. Gaz.* 24 *Dec.*

11. The *Speedwell* of Alexandria, bound home, was 63 days on her passage; and owing to the hands having been a long time on short allowance, and to the damage she

had sustained, she was obliged to bear away for Cape François, when the administration breaking through every tie of humanity, seized and condemned her.—*Ph. Gaz.* 23d Feb.

12. Brig Neptune, Blanchard, bound to St. Bartholomews with lumber, was carried into Guadaloupe, where she was tried and acquitted. Afterwards she was tried again in consequence of Victor Hugues's orders, and condemned, because, as it was said, she had no sea letter; although captain B. had a certificate from the custom house that there were not any sea letters at the time she sailed, in that office.—*Ph. Gaz.* 25th Feb.

13. Ship Charlotte, of Baltimore, was carried into Guadaloupe with a cargo of flour, tried and acquitted. The supercargo, Mr. Buchanan, *in consequence merely of his name, was without examination* put into close prison for several days by Victor Hugues's orders, who afterwards finding himself mistaken in the person, had him released.—*ib.*

14. Capt. Barney, on his passage from France, captured 5 or 6 vessels sailing under certificates of property; these he set fire to, and has publicly declared he will do so in every instance, which is poor encouragement for Americans to purchase prizes of them. One of them was a brig belonging to P. & T. Mackie, from Malaga, Andrew Paden, master, who was murdered the second day after they sailed, by the mate and crew, and a considerable sum of money divided among them.

15. The ship Washington, from the Isle of France to Boston, out 153 days, blown off the coast, and in distress, was taken in sight of Deseada, and sent into port for adjudication.—*Ph. Gaz.* 6th March, 1797.

16. Capt. Bright, on his passage from Alexandria to Meriguane, a French port, with a cargo of flour, was captured by a French privateer, off Port de Paix, carried in there, and condemned without a hearing. There were about fifteen sail more of American vessels in that port, the whole of them condemned, though several were bound to French ports. The administration at the Cape had issued orders to capture all Americans bound to leeward of Cape François.—*Gaz. U. S.* 28th March.

17. Schooner Clara, of Baltimore, with a valuable cargo of dry goods, bound to Leogane, was captured by a French

privateer, and recaptured by a British vessel.—*Ph. Gaz.* 29 April.

18. The sloop Fox, Brooks, from Hartford for Leogane, a French port, was captured and sent into Port de Paix, where both vessel and cargo were condemned under the pretence of her being bound to a British port. The owners of the privateer gave the commissaries 100 half joes to condemn the vessel; and the captain had to pay three half joes for his register after the vessel was sold.—*Gaz. U. S.* 15 May.

19. The brig Peace, Allen, of Providence, was bound from Dover to Surinam, but touched at Cayenne. After she had been there several days she was seized; and the vessel and cash she had on board, valued at 25,000 dollars, were condemned under the pretence of her being from a British port.—*Gaz. U. S.* 18 May.

20. Capt. John Hall, of the schooner Rebecca of Baltimore, was plundered of every thing he had by the prize master and crew put on board his vessel: and part of his crew were put on board a prison ship and obliged to work in the day time: at night they were put in irons.—*Gaz. U. S.* 7th Feb.

21. The schooner Elizabeth, Trott, from Demarara bound to New London, was captured by the French privateer Flybuster and carried into St. Martins, where the captain and three of his crew were imprisoned.—*Ph. Gaz.* 14 March.

22. The Friends, of Norfolk, from London, was captured by a French privateer and carried into Guadaloupe. The vessel was condemned and the captain and crew imprisoned. The captain was afterwards with four others sent to Martinique to be exchanged for Frenchmen.—*Ph. Gaz.* 24 Feb. & 15 March.

23. Capt. Church informs, that the French take all American vessels bound to or from English ports, and behave in a most scandalous manner to the captains and crews, by putting them in gaol or turning them on shore without the means of procuring even a meal.—*Ph. Gaz.* 10 March.

24. Captain Calvert says the treatment of Victor Hugues to the Americans is very cruel. They are thrown into prison, loaded with irons, stripped of their apparel,

and scarcely allowed a miserable subsistence.—*Ph. Gaz.* 25 March.

25. From every one of the unfortunate Americans who were exchanged at Martinique for Frenchmen, accounts were given of the conduct of Victor Hugues towards their countrymen. Americans were dying at Guadaloupe in greater numbers than ever was known on board the Jersey prison ship at New York, during the late American war.—*Gaz. U. S. April 1.*

26. The brig Fanny, Gould, of Biddeford. was cleared out for Leogane, a French port in Hispaniola, with lumber only, with a regular sea letter, register and clearance; nevertheless she was taken by a French national cutter and carried into Port de Paix. The papers were carried to the Cape, and the vessel and cargo soon afterwards condemned, on the plea, that the vessel was deficient of certificates of her cargo in the usual style from the officers of the port whence she sailed, agreeably to treaty. The captain and crew were deprived of their adventures, clothes, &c. thrown into gaol among common thieves and murderers, put into irons, and allowed only four ounces of beef, and half a pound of bread per day for their subsistence, in which confinement they were continued for 20 days. The preceding facts were sworn to before justice Barret, of Boston.—*See Ph. Gaz. 6th April.*

27. Mr. Molay, supercargo of the Ann and Maria, of Baltimore, informs, that she was taken on her homeward bound passage from Jamaica, by a French privateer, and carried into St. Jago de Cuba, where (the captain of the privateer having bribed two of the hands to swear she was British property) she was condemned, with her cargo, without even the semblance of a trial; and that her cargo being immediately landed, ports were knocked into her, and she was sent out on a cruise as a French privateer.—*Ph. Gaz. 19th Jan.*

28. The administration take by force all American cargoes without any mode of payment whatever, and likewise take all American vessels bound to or from English ports, and condemn them, *without a hearing*.—*Extract of a letter from Cape François in the Gaz. U. S. 20th Jan.*

29. The government of this place seems determined to lay every obstacle in the way of American commerce. It now not only refuses paying old debts, but contracts (if it

can be so called) new ones, without so much as a promise of ever paying: its armed vessels have sent in all Americans bound to or from any British ports, either in this island, or real English colonies, which have been condemned *without so much as even the ceremonies of a trial*. Such as have come here of their own accord, have had their cargoes taken by force; some have abandoned their vessels, and gone home, depending, as I suppose, upon the insurers for indemnification: others, whose cargoes have been partly taken, stay, but to no purpose.—*Extract of another letter from the same place. ib.*

30. Schooner Phœbe, Webb, was taken on her passage from New London to Jeremie, and carried to Petit Guave, where she was detained ninety days, and the greatest part of her cargo taken *without a trial*: they even refused giving a receipt for what property they took, and the commissaries refused captain Webb provisions to subsist his sick people.—*Ph. Gaz. 24th Jan. 1797.*

31. There were lying at Petit Guave, on the 10th November, seven American vessels, which had been captured in pursuance of orders issued by the commissioners at the Cape, making all Americans bound to or from British ports, lawful prize: they had been lying there from two to three months, during which time their cargoes were taken from them without the form of a trial; more than three-fourths of the men (captains and sailors) fell a sacrifice to the fever, and the remaining fourth were more like walking ghosts than men; most of them destitute of money, and unable to give a decent burial to those who die. A few days before, one Gaston, a mulatto, at the head of the administration of the place, enticed a Philadelphia schooner, lying at Leogane with flour, to come to Petit Guave, by promising the captain, upon his sacred word of honour, that he would take nothing from him. But he had no sooner arrived than Gaston ordered a guard on board the vessel, and took away the flour. There were then lying in the several ports of the Bite 51 sail of Americans, which had been brought in by privateers; and at a moderate computation half of their crews had died.—*Phi. Gaz. 15th Feb. 1797.*

32. The brig Susan and Polly, of and from New York, bound to Jamaica, was taken by a French privateer, and carried to Port de Paix. She was condemned, with her

cargo, without the form of a trial, by Sonthonax, who declared it was unnecessary to ask any questions, as the French directory had given positive instructions to seize every American vessel bound to or from British ports. Thirty-five sail of American vessels were condemned and sold in the same port, in the same manner, within a few days afterwards.—*Gaz. U. S.* 22d Feb.

33. The snow Endeavour, Freeman, was bound from St. Croix to Aux Cayes, but was forbidden to enter by two British armed vessels. Soon afterwards, she was taken by two French armed boats and sent into Gonaives, where the crew were insultingly turned on shore without the means of subsistence, and would have suffered but for the assistance they received from their American brethren there. The vessel and cargo were condemned and sold with *scarcely the ceremony of a trial*. Some days after being sent on shore, captain F. returned to his vessel for the purpose of shifting his clothing, which was not only refused him, but threats were uttered against his life, and he found it necessary to leap into his boat to prevent the execution of their designs: two of his crew, having afterwards gone on board for a similar purpose, they were mangled in a most shocking manner, and one of them was mortally wounded.—*Ph. Gaz.* 25 March.

34. "From every American vessel that arrives at Cape Francois, the cargo is forcibly taken by the administration, who promise payment, apparently without any intention of performing, as cargoes thus forcibly taken remain yet unpaid, though many months have elapsed. When remonstrances are made, nothing but persecution results from it. From captain Barney, of the Medusa frigate, being a native American, the captains of American vessels had reason to suppose he would rather have wished to alleviate their sufferings: but to persecution he added insult, not only to the American captains there, but to their country, by ignominiously hoisting its flag reversed on board his frigate."

JAMES M'CALL, Mate of the Brig
Baron de Carondelet.

THOMAS ATWOOD, late Master
of the Schooner Jane. abandoned
at the Cape.

Gaz. U. S. 10th Jan.

No. 6.

Extract of a Letter from Rufus King, Esq. Minister of the United States, in London, dated April 19, 1797, enclosing the Protest of William Martin, Master of the Cincinnatus, of Baltimore, relative to the Torture inflicted upon said Martin by a French Cruiser.

“HITHERTO the captures in Europe have not been numerous, though several of our valuable ships have been carried into France, and in a few instances the masters and other officers of our vessels have been treated in a barbarous and cruel manner by the French cruisers, who have put them to the torture, in order to compel them to make such declarations relative to the property and destination of their ships and cargoes as were desired. Enclosed I send you the protest of William Martin, master of the Cincinnatus, of Baltimore, who lately arrived here, after having fallen into the hands of a French cruiser, which obliged him to leave his own vessel, and to go on board the cruiser, when he was tortured for more than three hours.—Captain Martin’s thumbs, which I examined, bear the marks of the screws, and the scars will go with him to the grave.”

“It is impossible that these barbarous outrages should be authorized; indeed the concealment observed by the perpetrators of them, who refused to tell their names, or the port of their equipment, evince that they are not so.”

By this publick instrument of protest, be it known, and made manifest to all people, whom it doth or may concern, that on the 26th day of March last, before me, James Gravener, notary and tabellion publick, residing in the town and port of Dover, in the county of Kent, by lawful authority admitted and sworn, personally appeared William Martin, master of the ship or vessel called the Cincinnatus, belonging to Baltimore, in America, of the burden of 229 tons, or thereabouts, then and now laying in Dover harbour, and entered a protest in due form, and that on this third day of April, 1797, again personally appeared the said William Martin, together with Eugene Sweeny, mate, and Robert Jackson, mariner, also belong-

ing to the said vessel, and upon their faith and honesty, solemnly declared, and for truth affirmed and witnessed, that the said vessel on the proceed of her present intended voyage from Baltimore aforesaid, laden with a cargo of sundry merchandise, bound to London, met with hard gales of wind and high seas, therein sustained loss and damage, and was obliged to put into Galway road, as by reference to a protest made thereon, and dated the 19th day of January last, more fully appears. That they were detained in the said road repairing and reinstating their loss and damage and with hard gales of wind unfavourable to proceed their voyage until the 15th day of February following, when they got under way, and put to sea with light winds and variable, and prosecuted their voyage with variable, contrary and stormy winds, and weather, without any particular circumstance occurring until the 28th, when they had a hard gale at south by west, in which the said vessel laboured very heavily, and was almost constantly under water, and they were obliged to pump every half hour, and the quarter block strap of the fore yard was carried away. That they proceeded their voyage with southwardly winds, and on the 2d day of March, it blew a violent gale at south, in which the said vessel laboured excessive hard and shipped so much water, that the main deck was almost constantly covered therewith, and the said vessel's pumps were obliged to be kept going every quarter of an hour. That on the next day, at six o'clock in the evening, the gale and sea continuing, the said vessel made so much water that they were obliged to pump constantly, and at eight o'clock a sea struck her abaft, stove in one of the dead lights, filled the cabin with water (so that they were obliged to lade it out with buckets,) and carried away part of the quarter boards, and stove the skylight. That on the fourth, the weather became moderate, with the wind to the eastward, and from that to the northward, with which they proceeded, meeting no particular occurrence until the seventh about nine o'clock in the morning, when being in north latitude about 50, 35, they were boarded by a French armed brig, under English colours, who took the said master with five of his crew from the said ship on board the said brig. And the said master for himself now saith, that the officer and crew of the latter vessel examined the pa-

pers respecting his said vessel and her lading and expressed no doubt that the ship was an American, but insisted the cargo to be English property, and assured him, if he would acknowledge it to be so, his full freight should be paid, and he have a present of one thousand pounds, which overtures the said master would not pay any other attention to than declaring the whole property to belong solely to Aquilla Brown, of Baltimore aforesaid, merchant—Whereupon the French officers thumbscrewed the said master in the cabin of their said brig, kept him in torture to extort a declaration that the said cargo was English property, for nearly four hours, but without having its desired effect; when a vessel heaving in sight he was liberated from the barbarous punishment he had undergone, and shortly afterwards the last mentioned vessel was captured by the said brig, and proved to be the *Diana* of Lancaster, captain Derbyshire, from St. Thomas bound to Lancaster, and on the eighth about five o'clock in the evening, the said master with the said five of his crew, together with fourteen of the crew of the said captured vessel were put on board the said appearer's vessel, which was permitted to proceed, but the said master, on being sent from the said brig, requested the captain to give him some provisions to supply the said fourteen men with, but he would allow them only about forty pounds of bread, saying they would soon have a fair wind: the said appearer's vessel was then in latitude 50, longitude 14, 27, and they accordingly proceeded with the wind southwardly. And the said Eugene Sweeney, mate, for himself, now saith, that while the said master was so detained on board the said French brig, the captain and first lieutenant thereof, with some of their crew came on board the said appearer's vessel, broke open and plundered the captain's chest of a purse containing several guineas, a gold watch, sextant, great part of his wearing apparel, stole a spying glass, speaking trumpet, eleven bags of coffee, broke open two boxes of sugar, and stole therefrom several bags, and robbed them also of their boat. And further, that the said French captain and lieut. showed the now attestant a note, as under the hand of the master of his said ship, signifying that he the said master acknowledged the cargo to be English property, and that he the said mate was to do the same, but this he would by no

means comply with ; and at the same time perceived the note to be forged, and violent threats were made use of towards him the said mate to produce such acknowledgment, which he persisted in not doing, as contrary to the truth, and the said Robert Jackson for himself now saith, that while on board the said brig, twenty pieces of gold (which he supposed to be joes) were offered to one of the crew to declare the said vessel's cargo was English property. And all the said appearers again declare that they still prosecuted their voyage, and on the eleventh being in latitude 49, in consequence of the number of men on board they were reduced to a buiscuit a man per day. That on the twelfth it was dark and squally weather, and at two o'clock in the afternoon in a sudden squall their said vessel was hove down on her beam ends, and the bowsprit carried away, when they were obliged, for the safety of their lives, and preservation of the said vessel, and cargo, to cut away the rigging belonging to the bowsprit jib boom, and the top sail sheets, by which she fortunately righted, and then to clear the wreck and secure the foremast, they were obliged to bear away before the wind, which being accomplished, they to avoid further damage were obliged to cut away the bowsprit (the same beating against the said vessel's bows) with all the rigging of their bowsprit and jib boom, and the jib and foretopmast stay sail and sprit sail yard, and in endeavouring to secure the foremast, they found the foretopmast and main yard were sprung in consequence of her having been laid down on her beam ends as foresaid, when they immediately used every exertion possible to get down the foretopmast to rig up a jury one in its stead, and also in rigging out a jury bowsprit, the weather then continuing boisterous. That on the thirteenth it blew a gale of wind at east by north, when they finished a temporary bowsprit out of a spare topmast, and a fore topmast out of a spare mizzen topmast, and proceeded the voyage. That on the fourteenth they had a hard gale of wind at the last mentioned quarter, attended with a heavy sea which broke over the said vessel incessantly, and they were obliged to pump every quarter of an hour, and were then still under short allowance. That on the fifteenth they spoke a Swedish brig, which supplied them with a bag of bread, two pieces of beef, and a few stock fish,

and had then the wind eastwardly, which was contrary ; and on the sixteenth they were supplied from another brig with two bags of bread, some pease and wine, on payment, and proceeded their voyage with variable winds and weather, without any particular circumstances happening, until the twenty-second, when being in latitude 48, 23, they were boarded by his Britannick majesty's ship Galatea, the officers of which pressed from the said appearer's vessel the said fourteen men, three passengers, and one of their own crew, and supplied the said appearers with provisions, when they continued the pursuit of the voyage with the wind southwardly. And on the twenty-third had sounding in seventy-five fathoms, and proceeded the channel course with the wind continuing southwardly, with hazy weather. And on the twenty-fourth in the evening, the Lizard lights, bore north north east, distant about five leagues. That on the twenty-fifth in the morning, Portland lights bore northeast by east, distant three leagues. And on the same day it began to blow hard, which increased to a gale, and in the afternoon, being off Beachy head, with the weather continuing very thick and hazy, they, upon consultation on the state and condition of the said vessel, adjudged it most expedient for the safety of their lives, and preservation of her and her cargo, to put into the first port of safety to refit, that they might be enabled safely to proceed to their place of destination, and accordingly hoisted a signal for a pilot and assistance to take charge of the said vessel, for the purpose of conducting her to such said port of safety ; and about 4 o'clock they procured a pilot and assistance from a cutter which came alongside, whom the said master employed for the purpose aforesaid ; but the weather being hazy, and night time coming on, they laid off and on until the said twenty-sixth at 5 o'clock in the morning, when they bore away for Dover harbour, and at ten o'clock in the forenoon, on arriving at the entrance of the same, the said vessel was, by the strong tide and swell forced against the north Pier Head, whereby the figure head, rails, cut-water and bow, were damaged ; and the anchor hooking the head, and having a long range of the cable, the same run out nearly thirty fathom, which stopping the said vessel, and she then touching the ground, they were obliged, for the purpose of preventing her laying thereon, to cut

the cable the length it had so run out, by doing of which, and with the utmost exertions on board, and assistance on shore, she was hove from the dangerous place she was likely to lay on, and into safety, and also the said appearers declare, that they have used their utmost endeavours for the preservation of the said vessel and cargo; that whatever damage or loss the same have already sustained, or may hereafter sustain, was not occasioned by or through any neglect or default of them, or any of the crew, or by reason of any defect or default in the said vessel or her tackling, but merely by means of the circumstances before stated. Therefore the said master hath desired a protest; wherefore I, the said notary, at his request, have solemnly protested, and by these presents do protest against the wind, weather and sea, the officers and crew of the said French brig (whose names, together with the name of their said vessel is unknown to these appearers or to their belief to any of their crew) and every other person and cause occasioning the said vessel's damage and loss of, and for all losses, costs, charges, damages, and expenses already and hereafter to be suffered and sustained, to be allowed and recovered in time and place convenient. Thus done and protested in Dover aforesaid, in the presence of Robert Steriker and Thomas Pain, witnesses thereto called and requested. In testimony of the truth whereof, the said appearers and witnesses subscribed their names in the registry of me, the said notary. And I the said notary have hereunto set my hand, and affixed my notarial seal, dated the day and year second above written.

JAMES GRAVENER, [L. s.]

And I, James Gravener, a master extraordinary in his majesty's high court of chancery, do hereby certify, that the said William Martin, Eugene Sweeney, and Robert Jackson, were duly sworn on the Holy Evangelists to the truth of the foregoing protest, at Dover aforesaid, the said 3d day of April, 1797, before me,

JAMES GRAVENER.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE TO
ALGIERS. JUNE 23, 1797.

[See Vol. Confidential Documents.]

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CON-
GRESS. JULY 3, 1797.

THE whole of the intelligence which has for some time past been received from abroad, the correspondences between this government and the ministers of the belligerent powers residing here, and the advices from the officers of the United States, civil and military, upon the frontiers, all conspire to show in a very strong light the critical situation of our country. That Congress might be enabled to form a more perfect judgment of it, and of the measures necessary to be taken, I have directed the proper officers to prepare such collections of extracts from the publick correspondences as might afford the clearest information. The reports made to me, from the Secretary of State, and the Secretary at War, with a collection of documents from each of them, are now communicated to both houses of Congress; I have desired that the message, reports and documents may be considered as confidential, merely that the members of both houses of Congress may be apprized of their contents before they should be made publick. As soon as the houses shall have heard them, I shall submit to their discretion, the publication of the whole, or any such parts of them, as they shall judge necessary or expedient for the publick good.

JOHN ADAMS.

Additional Report of Secretary of State, to the President of the United States, of the Proceedings of the Officers of his Catholick Majesty, in relation to the Posts occupied by his Troops within the Limits of the United States, the Boundary Line, and other Matters therewith connected.

ON Thursday last, the twenty-ninth of June, I received farther despatches from Andrew Ellicott, Esq. the commissioner of the United States at the Natchez, dated the tenth of May last, of which an extract and copies, numbered 1, 2 and 3, are subjoined. By these it appears that a new motive has been assigned by the commander in chief, the Baron de Carondelet, and governour Gayoso, for still retaining the possession of the posts of the Natchez and the Walnut-hills, and for strengthening the fortifications ; viz. *to guard against an attack by the British from Canada.* This motive being derived from information communicated to the Baron de Carondelet by the chevalier de Yrujo, the minister of his catholick majesty to the United States, it appears necessary again to bring before the President my correspondence with the Spanish and British ministers on that subject. These papers are numbered 4, 5, 6, 7, 8, and 9.

Although the minister declared he had just reasons for suspecting an expedition from Canada, was preparing by the British against the upper posts of Louisiana, yet he never mentioned a single fact or reason on which his suspicion was founded. From all the existing circumstances I ever believed the suspicion to be groundless.— And the note of Mr. Liston, the British minister, of the nineteenth of the last month, declares that no such expedition has been or is intended, by the British government.

On the sixteenth of March last, by the President's direction, I inquired of the minister of his catholick majesty whether the Spanish troops had been withdrawn, agreeably to the treaty, from the territory of the United States ; and if not, what orders or measures for withdrawing them had been taken. To this the minister answered, on the seventeenth of April, that not having for some months heard from the Baron de Carondelet, he was "deprived of any information touching the steps taken for the exe-

cution of the treaty." Nevertheless he had previously informed the Baron de Carondelet of his suspicions of a projected expedition from Canada; for on the 1st of May it is offered by governour Gayoso, as a new reason for continuing to hold the posts. These two letters are numbered 10, 11.

On the 24th of June last, the minister of his catholick majesty wrote me the letter number 12, in which he undertakes to give the substance of two letters from the Baron de Carondelet, and which about a week before he had orally translated to me from the Spanish originals. These letters (as appears by the detail of them now given by the minister) exhibited divers complaints against Mr. Ellicott, whose conduct is assigned as the cause of an alleged misunderstanding between him and governour Gayoso; and of the delay in commencing the running of the boundary line.

One article, however, the minister has omitted in his recital. The Baron de Carondelet complained, among other things, that Mr. Ellicott had not given him notice of his arrival at the Natchez, as the commissioner on the part of the United States, for running the boundary line between their territories and those of Spain. I was astonished at this complaint, as I had then lying on my table a copy of Mr. Ellicott's letter to the Baron, dated the 27th of February, only three days after Mr. Ellicott's arrival at the Natchez, announcing his arrival as the commissioner of the United States for the object above expressed, and two copies of the Baron's answer, dated at New Orleans the 1st of March; one of the original Spanish, and the other a translation in English, acknowledging the receipt of Mr. Ellicott's letter, and "congratulating him on his arrival in that country in the character of commissioner on the part of the United States, to run the dividing line between the territories of his most catholick majesty and the United States." I immediately presented these copies to the minister, in whom the repugnance of fact to assertion excited the natural sensation: but soon recollecting himself, he made this apology for the Baron, that he supposed he did not consider Mr. Ellicott's letter as official! This letter and the translation of the Baron's answer, have been already laid

before Congress and published: I now subjoin the copy of the Baron's answer in Spanish. No. 13.

The facts I have here stated, relative to the complaint of the Baron de Carondelet, which the Spanish minister has omitted in his detail, appeared to me important to be laid before you, to be considered together with the other complaints which the minister has recited. As to the complaint that Mr. Ellicott "attempted to get possession of the Natchez fort by surprise, and that the governour Gayoso has in his power documents which evidently prove the intention of that attempt," I have examined the two gentlemen who have brought Mr. Ellicott's despatches, and they declare that they never heard of such an attempt being made or intended by Mr. Ellicott; and that far from exciting dissatisfaction to the Spanish government, in the minds of the inhabitants at the Natchez, he uniformly recommended patience and submission, until the Spanish jurisdiction should be withdrawn.

Upon a view of the whole correspondence now and before submitted to the President, it appears that the governours of his catholick majesty, on the Mississippi, have, on various pretences, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States: That after repeated overtures, promises and appearances of commencing the execution of the treaty between the two nations, in both those respects, their conduct demonstrates, that for an indefinite period they mean to avoid doing either: That there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his catholick majesty, to prepare them for a rupture with the United States; those suspicions corresponding with other intelligence recently received by the Secretary of War and by me. Mine is by a private letter from colonel Sargent, the secretary of the territory northwest of the river Ohio, of which an extract, No. 14, is annexed.

Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens, it may be difficult to say; but that one or more of those citizens have proposed and taken measures to detach the southern In-

dians from the interests of the United States, and to destroy the influence of the publick agents over those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain. The evidence of this important fact will be laid before you by the Secretary of War. That evidence having a reference to the British minister, and his government, I took the liberty of addressing to him a letter, dated the 1st instant, No. 15, to which I received the answer, No. 16.

As closely connected with this business, I lay before you the copy of my letter, No. 17, dated the 27th of April last, to Charles Jackson, esquire, the district attorney of Georgia, reciting a passage in a letter from the Spanish minister, dated the 21st of April, declaring his positive knowledge that the English had made propositions to general Clarke, of Georgia, to obtain his influence in that state, in conjunction with some persons who might make a diversion or serious attack against Florida. By Mr. Jackson's answer, from which an extract, No. 18, is herewith presented, it appears that after diligent inquiry, he could not find any person that knew any thing of the business, or that entertained a belief of the kind; and that from general Clarke's known violent antipathies to the English, and other circumstances, he doubted the truth of the report altogether.

On the 30th ult. I received a letter from general Pinckney, dated the 9th of May, which contains the latest intelligence from him, and seems proper to accompany the other papers now laid before you. His letter, No. 15, therein referred to, has not yet come to hand. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, July 3, 1797.

DOCUMENTS.

No. 1.

Extract of a Letter from Andrew Ellicott, Esq. Commissioner of the United States, to the Secretary of State, dated Natchez, May 10, 1797.

SIR,—Since my despatches by Mr. Knox, the whole of the Spanish commission for the purpose of running the

boundary lines between the territory of his catholic majesty, and that of the United States has arrived ; but notwithstanding this circumstance, I see no appearance of getting to business in any reasonable time : various pretences are resorted to by the Baron de Carondelet, and governour Gayoso, to justify the delay ; but the true reason, I am well persuaded, has never yet been made known to myself, or to the inhabitants of the district of Natchez, who are generally very uneasy, and many of them consider their situations as desperate if not supported in a few months by the United States.

As the arrival of the whole Spanish commission produced no effect favourable to our business, I expected that of lieutenant Pope with a detachment of about forty troops, which happened on the 24th of last month, would make some change for the better—in this I have been disappointed. Additional labourers were set to work in the fort, and several more pieces of artillery mounted.

On the first of this month I received a letter from governour Gayoso, a copy of which, with the answer, you will find enclosed.

On Sunday last, the fort at this place was reinforced by about forty men, and a company of grenadiers are on their way, and hourly expected to join them. Yesterday Mr. Gillimard, the Spanish surveyor, an engineer, and several other military officers, with a boat load of intrenching tools, left this place for the Walnut-hills, where the works are to be immediately put into a complete state of defence. The labourers who were employed by the direction of governour Gayoso to go on the line, are now ordered to the Walnut-hills to assist in repairing the fortifications.

If the court of Madrid has any design of carrying the late treaty with the United States into effect, the conduct of the Baron de Carondelet and governour Gayoso is to me altogether inexplicable : all their measures have the appearance of approaching hostility ; and from some information which I have lately received from a source to which I cannot avoid giving a degree of credit, but a short period will elapse before we shall be ordered to leave this place, if not the country. I have in a former communication mentioned my suspicions, that an undue influence has been exercised over the Indians to prepare them for a

rupture with the United States, and to awe into a quiet submission the inhabitants of this district who are at their mercy. I am sorry that no circumstance has yet occurred to make me change this opinion.

Immediately upon Mr. Pope's arrival, he was joined by ensign M'Clary, who commands my escort, which consists of about thirty-seven men, and all encamped with me. We now make a respectable appearance—the men are in good health, and well clothed, and the strictest discipline is observed by the whole camp. Lieutenant Pope has hitherto conducted himself in such a manner as to give general satisfaction to the neighbouring inhabitants, without incurring the displeasure of the present governour, or his officers, and at the same time steadily supported the honour of the United States; but he has unfortunately been indisposed almost ever since his arrival.

I am, sir, with great esteem, &c.

ANDREW ELLICOTT.

Secretary of State, United States.

No. 2.

From Manuel Gayoso de Lemos, to the Honourable Andrew Ellicott. Natchez, May 1, 1797.

SIR,—I have the honour to acquaint you, that the commander general of this province desires me to inform you that his majesty's envoy in the United States, has given him the intelligence of an attack proposed against our part of the Illinois, by the British from Canada; and as such an expedition cannot take place without passing through the territory of the United States, said envoy did officially communicate what was necessary, to the Secretary of State of the United States, requiring that convenient orders should be issued to have their territory respected and provide for their own safety, which we doubt not but the United States will acquiesce to, in consequence of the treaty and the good harmony that subsists between the United States of America and his majesty.

The said commander general of this province, in consequence of the foregoing information, finds himself under the necessity of putting in a state of defence, several

points of this river, and particularly Nogales,* to cover Lower Louisiana, in case the British should succeed in their project against Illinois, for which purpose a convenient force shall be sent to Nogales, to repair and defend that post, which, far from being against the interest of the United States of America, will, in case of being agreed to, leave the military posts in that state of defence which it may be found.

As this is a powerful reason in addition to those that offered before to suspend the evacuation of these posts and of running the line; as our attention is entirely drawn towards the defence of the province, the said commander general orders me to pass to you this official communication, and in consequence of the unavoidable delay to repeat to you in his name, the proposal of remaining here to go down to Lower Louisiana; or, as he thinks might be preferable, to remove to Villa Gayoso, where there are sufficient buildings to accommodate you: this insinuation being an effect of the desire we have to show every degree of consideration as a proof of our disposition to improve the friendship between our nations, assuring you that in any part that you should determine to remove to, or stay, the commander general will facilitate every conveniency in his power for your satisfaction.

I have the honour, to be, &c.

MANUEL GAYOSO DE LEMOS.

The Hon. Andrew Ellicott.

No. 3.

From Andrew Ellicott, to his Excellency Manuel Gayoso de Lemos. Natchez, May 2, 1797.

SIR,—Your excellency's favour of yesterday is now before me, but as it principally concerns the commanding officer of the troops of the United States in this quarter, who I presume will give you a satisfactory answer, it will therefore be unnecessary for me to make any remarks upon it.

In a former communication you were apprized of my determination to remain at this place until we proceed to

* Walnut-hills.

running of the line, or recalled by the Executive of the United States. I am, &c.

ANDREW ELLICOTT.

His Excellency Manuel Gayoso de Lemos.

No. 4.

SIR,—Three days ago I declared to you the just reasons which I had for suspecting that an expedition was preparing on the lakes, on the part of the English, the object of which is to attack Upper Louisiana, and take by surprise the posts of St. Louis and New Madrid. The proofs which I have since been able to obtain, confirm me in my suspicion that the English troops who meditate this *coup-de-main* intend to descend the Mississippi by *Fox River*, *Onisconsin*, or by the Illinois or other parts of the territory of the United States. I suppose the government of this country too jealous of its rights to suffer so scandalous a violation of its territory; but having always in view the interests of the king my master, and the security of his possessions in this part of the world, in his name I request, sir, that in virtue of the information cited, this government may take the measures necessary for preventing the passage of foreign troops, of what description soever, over its territory. An undertaking in which are united the dignity of the United States, and the security of the possessions of a friendly nation, assures me beforehand that the administration of this country will take the measures which shall be most adapted to this end.

With these reasons, I offer myself to your disposal, and pray God to preserve you many years.

Your most obedient humble servant,

CHARLES MARTINEZ DE YRUJO.

Philadelphia, March 2, 1797.

No. 5.

From Timothy Pickering, to the Chevalier de Yrujo, Minister Plenipotentiary of his Catholick Majesty. Department of State, March 11, 1797.

SIR,—I have laid before the President of the United States your letter of the 2d instant, mentioning your suspicions. that an expedition is preparing on the lakes, on

the part of the English ; the object of which is to attack Upper Louisiana, and to take by surprise the ports of St. Louis and New Madrid ; and that to accomplish this object the English troops intend to pass by the routes you mention, or by other parts of the territory of the United States : and you request their government to take the necessary measures to prevent such a violation of their territory.

First remarking, that the government of the United States possess no information, nor the knowledge of any circumstances indicative of such a design as that you suspect, I have the honour to assure you, that true to the principles of an impartial neutrality to which the United States have hitherto invariably adhered, their government will be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue those measures which shall appear proper and expedient for that end.

I am with great respect, &c.

TIMOTHY PICKERING.

The Chevalier de Yrujo, }
Minister Plenipotentiary }
of his Catholick Majesty. }

No. 6.

TRANSLATION.

SIR,—Whilst I possess new reasons for believing that it is intended to carry into effect the expedition against Upper Louisiana, on the part of the English, by violating the territory of the United States, as was manifested to you in my letter of the 2d March last, I must add that I know to a certainty that the English have made propositions to general Clarke, of Georgia, in order to avail themselves of his influence in that state, together with some other persons, for making a diversion or serious attack against Florida ; and as by your letter of the 11th of the last month, you assure me that the United States would take the necessary measures for causing their neutrality to be respected, I do not doubt that in consequence of this my information, the executive government will take the proper steps, in order that Georgia also should not infringe the laws of neu-

trality to the injury of the possessions of the king my master.

I embrace this opportunity to renew to you my wishes to serve you, and that God may preserve your life many years.

Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, April 21, 1797.

TIMOTHY PICKERING, Esq.

No. 7.

From Timothy Pickering, to the Chevalier de Yrujo, Envoy Extraordinary and Minister Plenipotentiary of his Catholick Majesty. Department of State, Philadelphia, April 28, 1797.

SIR,—I have the honour to acknowledge the receipt of your letter of the 21st instant, repeating your suspicions that it is intended to carry into effect an expedition, on the part of the English, against Upper Louisiana, through the territory of the United States; and adding that you know to a certainty that the English have made propositions to general Clarke in Georgia, to obtain his influence in that state, with a view to a diversion or serious attack against Florida.

To the first point I have the honour to answer, that although this government is still destitute of any knowledge of facts or circumstances indicating that an expedition on the part of the English, against Upper Louisiana, has been projected, yet desirous of living on terms of amity with our neighbours, on one side and the other, agreeably to subsisting treaties, I have communicated to the minister of his Britannick majesty, for the information of his government, the suspicions you have expressed, of an intended expedition against Upper Louisiana, and the declaration of the President of the United States, that he cannot consent that either should march troops through the territory of the United States to attack the other. The sense of the American government being thus declared beforehand, we cannot presume that a measure will be undertaken which cannot be prosecuted without a violation of our neutral rights.

With regard to the project of an expedition by the British against Florida, with the aid of general Clarke, and of persons whom he might influence, I have to inform you, that orders have been forwarded to the district attorney of Georgia, to inquire into the fact as stated by you, and if discovery should be made of designs to violate our neutral duties, and especially of forming an expedition against the territories of his catholick majesty from the territory of the United States, to take the most proper and effectual measures for frustrating such designs; and if the same should be manifested by any overt acts, to cause the offenders to be arrested, and brought to condign punishment.

I have the honour to be, &c.

TIMOTHY PICKERING.

The Chevalier de Yrujo, Envoy Extra-
ordinary and Minister Plenipotentiary
of his Catholick Majesty. }

No. 8.

From Timothy Pickering, to Robert Liston, Esquire, Envoy Extraordinary, &c. of his Britannick Majesty. Department of State, Philadelphia, April 28, 1797.

SIR,—The minister of his catholick majesty, early in March last, represented to this government his suspicions that an expedition was preparing on the lakes, on the part of the English, whose object was an attack on the Spanish posts in Upper Louisiana, by a route through the territory of the United States, and requested the government to take measures necessary to prevent such a violation of their territory.

In the answer to the Spanish minister, after the remark that the government of the United States had no knowledge of any circumstances indicative of the design he suspected, he was assured, that true to the principles of an impartial neutrality, to which the United States have hitherto invariably adhered, their government would be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue the measures which should appear proper and expedient for that end.

His catholick majesty's minister having lately renewed his representation, declaring that he had recent ground to

believe that it is intended to carry into effect the expedition before mentioned against Upper Louisiana, through the territory of the United States, I am directed by the President of the United States to make to you this communication, and to declare, that desirous of living on terms of amity with their neighbours, on one side and the other, agreeably to subsisting treaties, he cannot consent that either should march troops through the territory of the United States to attack the other.

The sense and motives of the American government being thus expressed, I doubt not the same will be duly respected on the part of the British government; and without judging whether suspicions of his catholic majesty's minister are or are not founded, I am persuaded that the declaration now made will be considered as a proof of our good will, by preventing the great expense of preparations for an enterprise which cannot be prosecuted without occasioning a violation of the neutral rights or duties of the United States.

I have the honour, &c.

TIMOTHY PICKERING.

Robert Liston, Esq. Envoy }
Extraordinary, &c. of his }
Britannick Majesty.

No. 9.

R. Liston, presents his Respects to Colonel Pickering, Secretary of State.

WHEN you first mentioned to me the suspicions expressed by the Spanish minister, respecting an expedition supposed to be preparing on the lakes, with a view to attack the Spanish posts in Louisiana, I took the liberty of observing to you that I had no knowledge of any such preparations, and did not believe that they existed.

I have since requested information on the subject, from the governour general of Canada, and from his majesty's secretary of state; and I have authority to assure you that no expedition of the nature of that alluded to, has been, or is intended by the British government. Indeed, the impropriety of violating the neutral territory of the United States, is an objection of sufficient magnitude to induce

the king's ministers to reject any such plan, were it suggested to them.

Philadelphia, 19th June, 1797.

No. 10.

Department of State, March 16, 1797.

SIR,—The second article of the treaty between the United States and his catholic majesty stipulated, “that if there should be any troops, garrisons or settlements of either party, in the territory of the other (according to the boundaries fixed by the same article) they should be withdrawn from the said territory within the term of six months after the ratification of that treaty, or sooner if it were possible.” The United States have no troops, garrisons, or settlements within the territory of his catholic majesty. We do not know whether those of his catholic majesty within the United States’ territory at the time the treaty above mentioned was made, have been since withdrawn. I am therefore directed by the President to inquire, and do request you to inform me, what is the fact; and if those troops, &c. have not been withdrawn, what orders or measures for their withdrawing have been taken. It is now near eleven months since the ratification and exchange of the treaty took place.

I have the honour to be, &c.

TIMOTHY PICKERING,

The Chevalier de Yrujo, Minister }
Plenipotentiary of his Catholic }
Majesty, &c. &c.

No. 11.

TRANSLATION.

SIR,—Although I received in due time the letter which you did me the honour to write to me on the 16th ult.—an indisposition, from which I am not yet altogether recovered, prevented me from replying to the inquiry you make relative to the evacuation of the Spanish posts within the new line of demarcation of limits. I now take up my pen to inform you that several months have elapsed since I

have received a letter from the Baron de Carondelet, and of course I am deprived of any information touching the steps taken for the execution of the treaty.

I offer myself to your disposal, praying God to preserve your life many years.

Your most obedient servant,

CARLOS M. DE YRUJO.

Philadelphia, April 17, 1797.

Timothy Pickering, Esq.

No. 12.

TRANSLATION.

EIGHT or ten days ago I made known to you the information, which I had received from the Baron de Carondelet, relative to the occurrences at the Natchez, between the governour Don Manuel Gayoso de Lemos and the commissioner of the United States, Mr. Ellicott; and being desirous at this time to avoid all equivocation, as to the substance of those letters, I have determined to communicate it to you in writing.

By the 2d article of the treaty with Spain it is stipulated that the *garrisons* which are found above the line of demarcation agreed on, shall be withdrawn. Setting out then with this principle, it appears that the first operation ought to be to draw this line, in order to know which were the garrisons which were to be withdrawn according to the article cited; and although the Natchez and some other Spanish posts are probably situated above the said line of demarcation, the formality and delicacy which one government owes to another, required, that Mr. Ellicott should not pretend to take possession of the territory until the said demarcation should be made, and the more so, as he had been informed officially, that the Spanish engineer, M. Guillemard, was already on his way to fulfil this part of his commission.

Mr. Ellicott not attending to these just observations, immediately began to wound the feelings of the Spanish commander, by hoisting the American flag on a territory which would not belong to the United States till after having *jointly* made the astronomical observations for ascertaining the course of the line. Not content with this, he

began to exercise an authority, which was unlawful for the same reasons, to wit, that of recruiting for the United States in a place which was then under the jurisdiction of the Spanish government.

These imprudences, which can admit of no excuse, gave rise to a personal resentment, from which there is little to hope with respect to harmony between those commissioners in future.

In these circumstances, the governour general of the province, the Baron de Carondelet, made known the just doubts which he had about the delivery of the posts, since in the 2d article, *it is not stipulated that they were to be given up*, and it seems that it could never have been the intention of his catholick majesty to deliver up any fortifications on which he had expended great sums of money, and which through political vicissitudes might perhaps be one day prejudicial to his subjects. In this situation, prudence required that the decision of this doubtful point should be left to the two governments; but Mr. Ellicott adding imprudence to imprudence, and with a pretext which a quarrel between some drunken Chickasaws and the people of his company afforded him, not only violated a territory then Spanish, by desiring to excite the inhabitants by all imaginable means, but also carried his zeal so far as to attempt to get possession of the fort of the Natchez by surprise. Governour Gayoso says he has in his power documents which prove evidently the intention of this attempt: such conduct was little calculated to produce the spirit of harmony so necessary in such circumstances, and obliged governour Gayoso when he discovered such hostile intentions, to take on his part, measures necessary for his defence.

This is the true state of things, by which it clearly appears that the inconsiderate conduct of Mr. Ellicott is the only cause of the disagreement at the Natchez; the more so, as the Spanish commanders declared to him that while the two governments were deciding on the doubt which occurred to the Baron de Carondelet, about the delivery of the posts, the drawing of the line of demarcation might be begun, when Mr. de Guillemard, who had already departed from New Orleans for the Natchez, should arrive.

If in this situation of the business, the commanders

changed their ideas, or their measures, it could only proceed from the imprudent conduct of Mr. Ellicott. The Baron de Carondelet, desirous of observing religiously the treaty, so far as was not inconsistent with his duty, seeing the personal resentment which exists between Mr. Ellicott and governor Gayoso, desires that there may be sent to command the detachment of American troops on that frontier, a man of judgment and prudence, who in such delicate circumstances shall act with moderation, which is of so much importance to the two governments.

This is what I had the honour of communicating verbally to you, sir, in my last conference, and I repeat it now; recommending more particularly that there should be sent on the part of the United States to that frontier a person of prudence and sound judgment; leaving to Mr. Ellicott the technical part only; for while he acts as principal, it is to be feared that we shall not see the agents of the two governments, which are interested, proceed with that union and harmony which is ever important to us.

I repeat, sir, my wishes of obliging you, and that our Lord may preserve your life many years.

Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, June 24, 1797.

Timothy Pickering, Esq. &c. &c.

No. 13.

Nueva Orleans, 1 Marzo, 1797.

Mui senor mio: He recibido con mucha satisfacion la apreciable de V. S. de 27 Febreso pasado en que se serve participarme su arrivo a esa plaza con el caracter ne Comisario por los Estados Unidos de America para la demarcacion de limites entre les territorios de S. M. C. y los de los dechos Estados.

Me causa igualmente la mayor complacencia el testimonio que V. S. mè de la corbanidad y atenciones que ha recibido de los Comandantes de las fuertes, quienes han correspondido a las intenciones del gobierno, a mis ordenis, y a los principios generales de la nacion; y no dudo que en qualquiera oportunidad encontraran los

espanides igual y reciproca correspondencia de parte de los ciudadonis de los Estados Unidos. Dios, &c.

Beni. de V. S. Su mas a^ot. serr.

EL BARON DE CARONDELET.

Dr. Don Andrew Ellicott.

No. 14.

Extract of a Letter from Winthrop Sargent, Esq. Secretary of the Government of the Northwestern Territory, to the Secretary of State, dated Cincinnati, June 3, 1797.

GENERAL WILKINSON sending off an express I seize the occasion to transcribe for you some paragraphs from a western letter.

"The Spaniards are reinforcing their upper posts on the Mississippi considerably—general Howard, an Irishman, in the quality of commander in chief with upwards of three hundred men arrived at St. Louis and employed in erecting very formidable works. It likewise appears through various channels that they are inviting a great number of Indians of the territory to cross the Mississippi, and for this express purpose Mr. Larromie an officer in the pay of the crown made a tour through all this country last fall, since which time several Indians have been sent on the same errand—and generally furnished with plenty of cash to defray their expenses."

"A large party of Delawares passed down White River about the 6th of May on their way to the Spanish side bearing the national flag of Spain sent them from St. Louis."

"They (the Spaniards) have above the mouth of the Ohio, on the Mississippi, several row galleys with cannon."

No. 15.

Department of State, Philadelphia, July 1, 1797.

SIR,—Your note of the 19th of the last month, alluding to the suspicions expressed by the Spanish minister, respecting an expedition suggested to be preparing at the lakes, against the Spanish posts in Louisiana, I laid before

the President of the United States, who received great satisfaction from your assurance that no such expedition has been, or is intended by the British government.

Will you permit me to inquire whether you can give any information concerning any other project of an expedition against any part of the dominions of Spain adjacent to the territory of the United States, where or from whence any co-operation was contemplated? I am aware of the delicacy of this inquiry; but the frankness of your verbal answer, formerly, relating to the alleged expedition from Canada, and the assurances in your note above mentioned, lead me to hope that you will not deem the present inquiry improper; and the proofs you have uniformly given of respect to the rights and interests of the United States, authorize the further hope that you will feel yourself at liberty to communicate any information you possess, which on this occasion may concern their tranquillity and welfare; and I beg you to be assured that it is on this ground only that I would make the inquiry. I will add, however, that it is not the result of *suspicion* but of *information* (in which your name is introduced) that some project of the kind has been contemplated; and that the means proposed for carrying it into execution, could not but be highly detrimental to the United States.

I have the honour to be, &c.

TIMOTHY PICKERING.

Robert Liston, Esq. Envoy Extraordinary, and }
Minister Plenipotentiary from his Britannick }
Majesty to the United States.

No. 16.

R. Liston presents his Respects to Colonel Pickering, Secretary of State.

I HAVE had the honour of receiving your letter of yesterday.

In the course of last winter some persons did actually propose to me a plan for an attack on the Floridas and the other possessions of his catholick majesty adjoining to the territories of the United States.

The general outline of the project was, that the expedition should be undertaken by a British force sent by sea, and seconded by a number of men resident within the limits of the United States, who I was assured, would be willing to join the king's standard, if it were erected on the Spanish territory.

I informed the projectors that I could not give any encouragement to a plan of this nature; and I particularly stated two objections to it—the impropriety of any measure that tended to a violation of the neutrality of the United States, and the inhumanity of calling in the aid of the Indians, a circumstance hinted at in the conversation that had taken place on the subject.

I conceived it to be my duty however to mention the business in my correspondence with my superiors: and I lately received an answer, acquainting me that his majesty's ministers did not think proper to give any countenance to the project.—The two objections above alluded to (which I had of course insisted on in my report) are stated as sufficient reasons for its rejection.

You must allow me, sir, to decline entering into any farther particulars—On the one hand because, although I have all along suspected that the persons, who proposed the plan to me, might not improbably be employed by the enemies of Great Britain to endeavour with sinister views to insinuate themselves into my confidence, yet as these my surmises may be false, I should not be justified in betraying the secrets of men who may have meant me well:—And on the other hand, because however loose the principles of these speculators may have been on the subject of the law of nations (as it regards the duties of neutrality) none of them in their intercourse with me ever expressed sentiments that were in any degree hostile to the interests of the United States.

Philadelphia, July 2, 1797.

No. 17.

Department of State, Philadelphia, April 27, 1797.

SIR,—This week I received your letter expressing your acceptance of the office of district attorney for Georgia. I was gratified by the information; and hope your health may be re-established and enable you to continue to hold and exercise it.

Within a few days, the Spanish minister, the chevalier d'Yrujo, has written me as follows.

“ I know to a certainty that the English have made propositions to general Clarke of Georgia in order to obtain his powerful influence in that state, in conjunction with some persons, who might make a diversion or serious attack against Florida ; and I doubt not that in consequence of this my advice, the executive government will take suitable steps for effectually preventing the rights of neutrality being infringed by Georgia, to the prejudice of the possessions of the king my master.”

His letter has been laid before the President of the United States, by whose direction I have now to desire you immediately to inquire into the fact asserted by the Spanish minister ; and if any discovery shall be made of designs to violate our neutral duties, and especially of forming an expedition against the territories of his catholick majesty, from the territory of the United States, in defiance of their laws, and particularly of the act of Congress for the punishment of crimes against the United States, passed on the 5th June, 1794—that you will take the most proper and effectual measures for frustrating such designs ; and if the same shall be manifested by any overt acts, to cause the offenders to be arrested and secured, that they may be brought to condign punishment. Independently of the aid, which if necessary you will require of the governour of Georgia, the commanding officer of the federal troops in that state, will be directed by the Secretary of War to afford you all the assistance in his power.

I shall be obliged by your acknowledging the receipt of this letter ; and by a communication of the result of your inquiries into the subject of it.

I am, sir, with great respect, &c.

TIMOTHY PICKERING.

Charles Jackson, Esq. District Attorney
for the State of Georgia.

No. 13.

Extract of a Letter from Charles Jackson, Esq. District Attorney of Georgia, to the Secretary of State, dated Savannah, 22d May, 1797.

SIR,—Your letter of the 27th ultimo, I had the honour to receive some few days past. It has remained unan-

swered until the present moment, that I might enable myself to ascertain whether or not the suspicions entertained by the Spanish minister, respecting gen. Clarke, as expressed in your letter, were well founded. I have made diligent inquiry and cannot find any person here that knows any thing of the business, or that entertains a belief of the kind. Clarke was concerned in a former expedition against the Floridas in conjunction with the French, and it is possible from this circumstance that he is again suspected. He is a man of strong passions, of warm partialities for the French, and violent antipathies to the English. From these circumstances, and from the matter being unknown to the citizens here, I am led to doubt the truth of the report altogether. It might not be improper to add, that he is far from being the man of influence suggested by the Spanish minister. But should it happen contrary to my expectation, that Clarke should be daring enough to attempt a violation of the laws of the Union, by accepting a commission, as has been mentioned, no exertions shall be wanting on my part to bring him to punishment, and should it be necessary, I shall direct the marshal to call to his aid the federal troops. But I have no doubt on my own part, but the civil authority has sufficient strength in this state, to carry into effect the laws of the Union.

No. 19.

Rotterdam, May 9, 1797.

DEAR SIR,—Although in the postscript to the original and quadruplicate of No. 15, forwarded to day I have mentioned the latest intelligence, yet as I find that the schooner Mary of Boston, capt. Hall is to sail from this port to-morrow, I beg leave to mention again, that a summary of some of the articles of the preliminaries of the treaty of peace, between France and the emperor, arrived here this morning. “The emperor cedes Belgium to the French Republick; he recognises the independence of the Republick of Lombardy. He admits the extension of the French boundaries, to the limits already *prescribed by their constitution and laws.*” Therefore the Meuse, and not the Rhine is to be the boundary. Bonaparte’s flanks and rear, were threatened when the preliminaries were agreed upon. The Austrians had recovered the Tyrol, Friuli and Trieste.

I received accounts to day, that the *Juliana*, from Norfolk in Virginia, is taken and carried into Havre, and that the *Juno*, *Rainbow* and *Charlotte*, all three from Charleston, and the *Hebe* from Savannah, are captured and carried into Nantz, and in all probability will be condemned for want of a "rôle d'équipage" certified by a publick officer, agreeably to the regulation prescribed by France.

I enclosed you in No. 15, (the original of which I sent by captain Simpson, of the *Republican*, via Baltimore, the duplicate by captain Goodrich of the *Lydia*, via New York; the triplicate by captain Harrington of the *Eliza* to Philadelphia, and the quadruplicate to the care of Mr. King) copies of citizen Merlin's letter to Mr. Skipwith, consul general at Paris, in which he says, that when we become just and grateful, and break our incredible treaty with England, France will desist from her present conduct with respect to us. I refer you to the copies transmitted as above, for the particulars of this curious letter, it is now published as official in the "Redacteur."

Major Mountfloreance informs me by the letter received to day "that he had drawn a reply to it; but that it had been judged not proper to be sent; but that in lieu thereof it had been proposed to inform the minister by a short note, that persisting in the former reclamations and not authorized by the government of the United States to enter into a formal diplomatic discussion, on the subject therein mentioned, a copy of his letter of the 4th Floreal,* should be transmitted to our Secretary of State."

I remain with real respect, &c.

CHARLES COTESWORTH PINCKNEY.

Col. PICKERING, Secretary of the United States.

REPORT

OF THE SECRETARY OF WAR TO THE PRESIDENT OF THE UNITED STATES, ACCOMPANYING THE MESSAGE OF JULY 3, 1779.

War-Office, June 30, 1797.

THE Secretary of War has the honour respectfully to report to the President of the United States, the annexed

extracts of letters from brigadier general Wilkinson and lieutenant colonel Hamtramck, relative to certain causes which may have affected the disposition of the Indians on the western frontiers; as also extracts of despatches to brigadier general Wilkinson and captain Guion, respecting the conduct to be observed by the latter officer on his arrival at the Natchez and Walnut-hills; with copies of a correspondence between his excellency Manuel Gayoso de Lemos, and lieutenant Piercy Pope, of the corps of artillery and engineers, and commandant of the advanced guard of the troops of the United States, destined to take possession of those posts, which exhibit the reasons that had prevented his receiving them.

The Secretary further reports a copy of a letter from Wm. Blount, senator from the state of Tennessee, (the original of which is believed to be in his hand writing) addressed to James Carey, interpreter to the Cherokee nation, and assistant to the Indian factory at Tellico, in Tennessee, who had received it, and which had since come to the hands of the principal of that factory.

JAMES M'HENRY, Secretary of War.

No. I.

Extract of a Letter from the Secretary of War, to Brigadier General James Wilkinson, dated War-Office, June 9, 1797.

“YESTERDAY the Secretary of State received letters from Mr. Ellicott, by which it would appear that scruples on the part of governour Gayoso had retarded the evacuation of the posts.

“These scruples or objections are, first, That in his opinion the forts ought to be demolished; second, That he thought it necessary to continue his force in that quarter till the claims of Spanish subjects to land should be adjusted by negotiation.

“As to the first, our officer may be instructed to agree to the demolition of the works if insisted on. As to the second, he will assure the governour that he is authorized to say, that no person shall be disturbed in his possession or property till an opportunity has been afforded to apply to Congress, and that they may rely upon their claims being adjusted upon the most equitable principles.

“It is to be presumed, that on receiving these explanations the Spanish garrisons will be withdrawn. If, however, contrary to expectation, this should not happen, our officer is to take a secure position, but not so near them as to give any cause to the Spanish garrisons to apprehend insult or injury.”—

No. II.

Extract of a Letter from the Secretary of War, to Captain Isaac Guion, commanding a detachment of the troops of the United States, destined for the Natchez, dated War-Office, June 10, 1797.

“I ENCLOSE you duplicate of my letter to brigadier general Wilkinson of yesterday’s date for your government, in case he should have left Fort Washington, or by any accident be prevented from communicating to you the contents.—

“Having a perfect reliance on your prudence and judgment, I cannot doubt but your command will prove satisfactory to yourself, and advantageous to the United States.”

No. III.

Extract of a Letter from the Secretary of War, to Captain Isaac Guion, dated War-Office, June 15, 1797.

“SHOULD this despatch find you, where I expect it will, at the Natchez, and the Spanish garrison still in possession of the works at that place; you will be pleased to lose no time in communicating to the commanding officer there, the enclosed copy of a message* from the President of the United States to Congress, and to the inhabitants of Natchez its contents, that both may be fully possessed of the intentions of government. You will also inform the Spanish commandant, that you are instructed, to pay the strictest attention to the engagements the United States have entered into by the treaty with his catholic majesty; to permit the demolition of the works; to use your utmost endeavours to preserve a continuance of the pacifick dispositions of the Indians within our limits. to-

[* June 12, 1797.]

wards the subjects of his catholick majesty, or his Indians ; and to prevent their commencing hostilities (of which there is no appearance) against either, conformably to the fifth article of the said treaty. That you flatter yourself, after these candid assurances, that you will have the immediate pleasure to announce to the President, a full compliance with the treaty on the part of the commander of his catholick majesty's forces within the United States."—

No. IV.

Extract of a Letter from Brigadier General James Wilkinson, to the Secretary of War, dated Fort Washington, June 2, 1797, received 22d instant.

"LIEUTENANT colonel Howard, of the regiment of Louisiana, an accomplished Irishman, has arrived at St. Louis, with four hundred regular troops ; he is strengthening the works of that place, and organizing the militia ; and I have information, through a confidential channel, that it was determined as early as September last, not to give up the posts on the Mississippi."

No. V.

Extract of a Letter from Brigadier General James Wilkinson, to the Secretary of War, dated Fort Washington, June 4, 1797, received 22d instant.

"LETTERS from all quarters announce the discontents and menacing aspect of the savages ; two white men have been recently murdered on the Ohio below the Cumberland, and the savages beyond the Mississippi, and those who pass Massac, make no hesitation to avow their purpose for war ; the Shawanese, at the old Tawa towns, are our nearest neighbours ; they profess friendship, but are making no preparations for a crop, which is a certain indication of their intention to change ground."

"The enclosed extract of a letter from colonel Hamtramck is corroborated by information from Kaskaskias, St. Vincennes, and Massac."

"At the same time colonel Howard is strengthening his works at St. Louis, and organizing the militia, who are taken into pay at nine dollars per month."—

No. VI.

Extract of a Letter from Lieutenant Colonel Hamtramck to Brigadier General James Wilkinson, dated Detroit, May 21, 1797.

“THE departure of the 4th regiment, and now of the artillery, makes us very weak—it has reduced our guards from officer’s guards to non-commissioned officer’s, and our strength does not admit of three relieves.

“I have had, for a long time past, a large number of Indians—I do not know well their intentions—but I think it would be prudent not to weaken the garrison more than it is; and I am pretty sure that both the French and Spaniards have emissaries amongst the Indians. I have it from indubitable authority, that a large belt from the Spaniards is now travelling through the different nations.”

No. VII.

Extract of a Letter from Lieutenant Piercy Pope, to the Secretary for the Department of War, dated Camp, May 9, 1797, received 29th June.

SIR,—I arrived at the Walnut-hills on the 13th of last month. Previous to my arrival at that place, orders were lodged with the commandant of that post, not to suffer my troops to come any lower down until further orders. At this place I remained for eight or ten days, when I received a letter from governour Gayoso, informing me, that he should be happy to see myself and detachment arrive. I immediately embarked all my troops and moved on to Natchez, at which place I arrived the 24th April. was received extremely well, and every thing appeared to go perfectly right for several days; the evacuation appeared to be going on with great life, when all at once the military stores were immediately ordered back, their troops busily engaged all night taking back and remounting the cannon; this kind of conduct, I assure you, appeared, and still appears strange; they are strengthening the garrison here, detachments of troops daily arriving; the whole of which are both day and night working and fortifying themselves; I can’t say against what. Rein-

forcements are daily going up to the Walnut-hills—for no other purpose but strengthening that place. The militia is ordered to be embodied—this however is a report, though I believe a very just one, which has alarmed the inhabitants extremely, who are respectable and numerous. I am also informed, this evening, that what is called the Mexican regiment are now on their way to garrison this place and the Walnut-hills. There have been several attempts made to draw on the Indians upon my troops: I have fully ascertained this fact, and demanded of the governour to have a principal actor immediately brought to punishment, or sent out of the country. He has been sent for, and is now on board of one of the galleys, which is now about descending the river.”

No. VIII.

Don Manuel Gayoso de Lemos, to Lieutenant Pope. Natchez, March 25, 1797.

SIR,—By Mr. Philip Minor I am informed, that you was preparing to come down the Mississippi to take possession of the posts on the east bank of this river, to the north of 31 degrees latitude. Not long ago, general Wayne sent a message to Baron Carondelet, general in chief of this province, inquiring when it would be convenient and agreeable to him to order the said posts to be evacuated. His excellency the Baron has answered, and the answer cannot yet have produced the determination you have taken to anticipate the time appointed. Depending on the friendly arrangements that the two generals had entered into, neither Nogales or this place is yet evacuated, though the necessary steps are taken to verify it within one month; therefore I request that you will encamp your troops in the first convenient place on either bank of this river, nigh the place where this may be delivered to you, by my adjutant, captain Stephen Minor. I shall with pleasure see your condescension, as this will be a proof of the good harmony that subsists between our nations, which is more particularly recommended to us by the king. The presence of the troops of the United States, while the evacuation of this place is carrying on, would have an appearance of compulsion, which would

not be decent to the decorum due to his catholick majesty, when so intimately allied to the United States of America.

As soon as the military stores are embarked, I shall do myself the honour to acquaint you with it, and then will be very happy to see you here, and to be personally acquainted with you.

I am, with the highest consideration, sir, &c.

MANUEL GAYOSO DE LEMOS.

Captain Pope.

No. IX.

Don Manuel Gayoso de Lemos, to Lieutenant Pope. Natchez, April 1, 1797.

SIR,—Since I addressed you by major Minor, I have received orders from his excellency Baron Carondelet, general in chief of this province, to suspend the evacuation of the posts within my jurisdiction, until our court has settled with the United States of America, some difficulties which can be levelled only by our respective ministers. The perfect peace and harmony subsisting between the two nations, do not allow us to doubt but we shall shortly receive intelligence concerning the results of this suspension. It is my duty to inform you of this circumstance, and at the same time to offer you any assistance that you may be in need of, at the Walnut-hills, and give you every proof of our disposition to keep up a good understanding and sincere friendship with the United States.

Notwithstanding I have already given the necessary orders to the commandant of that post to prepare convenient accommodations for your troops, I reiterate them by this opportunity, being anxious that you may meet with every possible conveniency at that place.

I am, with consideration, sir, &c.

MANUEL GAYOSO DE LEMOS.

Alexander Pope, Esq. Commanding Officer
of the Troops of the United States of
America, at the Walnut-hills. }

No. X.

*Lieutenant Pope to Captain Burguard, Commanding Officer,
Walnut-hills. Walnut-hills, April 13, 1797.*

SIR,—I have this morning, with attention, perused two letters from governour Gayoso mentioning a message from general Wayne to Baron Carondelet, general in chief of this province, to know when it would be convenient to him to have the posts evacuated; I could not know or anticipate the answer to general Wayne's message, but on my arrival at fort Massac, was informed by the commanding officer at that place that the posts were ready to be evacuated. Agreeably to my orders, and in consequence of this information I am now coming forward with my detachment for the purpose of taking possession of the lowest post on the Mississippi, the Natchez post.

It is my wish, as well as that of the United States, to promote harmony and a friendly exchange of good offices between the United States and the subjects of his most catholic majesty.

I am, with respect, &c.

PIERCY S. POPE, Lieut. Artil. commanding U. S. Troops, Mississippi.

Capt. Burguard, Commanding }
Officer, Walnut-hills. }

No. XI.

*Lieutenant Piercy S. Pope, to Don Manuel Gayoso de Le-
mos. Walnut-hills, April 15, 1797.*

SIR,—Your letter of the 25th of March, and the other of the 1st instant, were both delivered me, by the commanding officer at Nogales yesterday. I was extremely sorry that my indisposition was such as prevented an answer.—I am not unacquainted with the circumstance of general Wayne having sent a message inquiring when it would be convenient to evacuate the posts. I am unacquainted with the answer to this inquiry, nor did I anticipate the time appointed for their delivery; for the first information received by me on this subject was at fort Massac, which, together with my orders or instruction in-

duced me to suppose a delay for receiving the posts would be improper. I have agreeably to your request encamped my troops on the east side of the Mississippi, immediately above Nogales, I assure you it is with pleasure I have to acknowledge the polite treatment and attention my troops have received since their arrival at this place from the commandant; and rest assured that nothing shall be wanting on my part to cultivate that present interesting harmony which is between the two nations; nothing will give me more pleasure than to be personally acquainted with you when convenience will permit.

I am, with the highest respect, &c.

PIERCY S. POPE, Lieut. Artil'y.
Comdg. U. S. Troops, Mississippi.

No. XII.

Don Manuel Gayoso de Lemos, to Lieutenant Piercy S. Pope. Natchez, April 17, 1797.

SIR,—By the commandant of that post I am informed of your arrival there, with the troops under your command; and he has also sent me the letter that you wrote to him acknowledging the reception of my two.

The particular reasons that for the present have suspended the evacuation of the posts, do not affect the treaty in any other respect; and these will soon be settled between his catholick majesty and the United States of America, they being of a nature that only wants an explanation, therefore it has been my most earnest wish to keep the settlements in peace and quiet until that political change takes place.

As I expected you might come down before an information of this incident could reach you, I provided the most convenient barracks that I could for your troops, at that post, wishing to show the United States the greatest attention to their troops; and in consequence of this disposition having conferred with the honourable Andrew Ellicott, we have agreed that you should remove to this place to encamp in its vicinity, where you may be assisted with every thing more conveniently. By this opportunity I forward the correspondent orders to the commandant of that post, who will do every thing necessary to facilitate and

expedite your descent, which I hope will be speedy, as I flatter myself with the prospect of much satisfaction in forming your acquaintance.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

P. S. POPE, Esq.

No. XIII.

From the Same to the Same. Natchez, May 1, 1797.

SIR,—I have the honour to acquaint you that the commander general of this province desires me to inform you that his majesty's envoy in the United States has given him the intelligence of an attack proposed against our part of the Illinois by the British from Canada; and as such an expedition cannot take place without passing through the territory of the United States, said envoy did officially communicate what was necessary to the Secretary of State of the United States, requiring that convenient orders should be issued to have their territory respected and provided for their own safety; which we doubt not but the United States will acquiesce to in consequence of the treaty and the good harmony that subsist between the United States of America and his majesty.

The said commander general of this province in consequence of the foregoing information finds himself under the necessity of putting in a state of defence several points of this river, and particularly Nogalls, to cover Lower Louisiana, and in case the British should succeed in their projects against Illinois; for which purpose a convenient force shall be sent to Nogalls to repair and defend that post, which far from being against the interest of the United States of America, will, in case of being agreed to, leave the military post in that state which it may be found.

As this is a powerful reason in addition to those that offered before, to suspend the evacuation of these posts, and of running the line, as our attention is entirely drawn towards the defence of the province, the said commander general orders me to pass you this official communication, and in consequence of the unavoidable delay to repeat to you in his name the proposal of remaining here, to go

down to Lower Louisiana, or as he thinks might be preferable to remove to Villa Gayoso, where there are sufficient buildings to accommodate both you and your troops ; this insinuation being an effect of the desire we have to show every degree of consideration, as a proof of our disposition to improve the friendship between our nations, assuring you that in any part that you should determine to remove or stay, the commander general of this province will facilitate every conveniency in his power for your satisfaction.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

Capt. P. S. Pope.

No. XIV.

Lieutenant Piercy S. Pope, to Don Manuel Gayoso de Lemos. Camp, May 2, 1797.

SIR,—Your letter of yesterday was delivered me by your adjutant captain Stephen Minor. The governour general has, as appears from your letter to me, requested that I should be informed of a proposed attack on your part of the Illinois county by the British force of Canada, and that such an expedition cannot take place without passing through the territory of the United States. I have not a doubt but that the United States have made such arrangements as will secure to them the respect due the nation, and that at the same time every preparation has been made to carry into effect with firmness the late treaty between his most catholick majesty and the United States.

The second part of your letter more particularly concerns me, as a longer delay of the evacuation of the Walnut-hills and Natchez, I cannot possibly consider in any other light than an indirect violation of the late treaty.

The landing of any troops for the purpose of fortifying or reinforcing Nogalls, or any other post above a due east and west line to be drawn 33' and 46'' south from Mr. Ellicott's present encampment, will be highly improper, and no doubt considered as a direct attack upon the honour of the United States, as well as the liberties of the citi-

zens, and an invasion of a part of our territory; there being no war between the United States and Great Britain, the latter power would have every reason of complaint should such a measure be suffered. I now proceed to the third and last part of your letter, and cannot suppose the reasons offered for a longer detention of the posts within the United States, and running the line, sufficient. The fortifying or remaining in force against your enemies within the territory of the United States when holding the opposite side of the Mississippi, where you may with equal ease oppose your enemies, may be productive of disagreeable consequences to both our nations.—

I have the honour to return you my sincere thanks, for your friendship and polite attention to myself and troops, and at the same time to inform you, that my present eligible situation supersedes the necessity of a removal.

I am, with due respect, &c.

PIERCY S. POPE, Lieut. Artill'y.

Comdg. U. S. Troops, Mississippi.

No. XV.

From Don Manuel Gayoso de Lemos to Lieutenant Piercy Pope, dated Natchez, May 3, 1797.

SIR,—Yesterday, by lieutenant John M'Clary, I received your answer to my communication of the day before. I am sorry to find the construction you give to such an official information, which leaves no room of doubt.

The project of an attack from the British in Canada, is positive, and in consequence thereof, it is the duty of the commander general of this province to oppose it by every means in his power, though the probability is, that they will not be able to carry their plan into execution, as we rely on the friendship of the United States, who certainly will not voluntarily permit such an armed force to pass through their territory, to attack the dominions of his majesty; but, as when such an expedition was proposed, the British knew very well that to accomplish it they must necessarily pass through the territory of the United States, they certainly have had it in view either to pass the posts by surprise, or some other combination that secured to them the means of reaching Illinois: it is to prevent the effects of such an event that the said commander general

takes every measure to obstruct their success at their first approach, or a continuation of it, if fortune should favour them in Upper Louisiana.

We are far from acting in a manner so as to alter the good understanding that happily subsists between our nations. Political reasons have caused a suspension of the evacuation of these posts ; reasons that are to be settled ministerially, and that are out of my line to controvert, my duty is to comply with the superior orders of my general in chief, which are positively to keep the best harmony with you, and attend to every other object concerning the safety of this province.

There is no reason to apprehend that the treaty between the United States of America and his majesty will not take place in every point ; the delay experienced with regard to one part of it, is not a violation of the treaty, and is only referred to the regular ministerial procedure, which, when settled, will be exactly complied with ; in the mean while, no alteration can take place, nor can any part of his majesty's dominions be considered alienated, delivered in a solemn and regular manner, and until that period the dominion of his majesty does not cease.

The communication that the commander general of this province has ordered me to impart to you, is a striking proof of the good understanding that he is desirous to cultivate, by informing you of an important circumstance that concerns both our nations, without expecting that you would offer any objections to the indispensable dispositions that he finds necessary for the safety of the province.

As your answer is of a nature that requires the immediate communication of it to my general in chief, I request you to inform me further, if you have positive orders to make the objections that you have signified to me, as it must necessarily influence the conduct of the king my master towards the United States of America ; and as likewise this is a necessary step to justify that I have not been negligent in requiring this important intelligence.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS,
Brigadier General, and Governour of Natchez.

Lieutenant Piercy Smith Pope, commander }
of the troops of the United States of }
America on the Mississippi.

No. XVI.

From Lieutenant Piercy Pope to Don Manuel Gayoso de Lemos, dated Camp, May 5, 1797.

SIR,—I received your letter by captain Minor, requesting of me to be informed whether I had positive orders for the objections I made in reply to your letter of the first instant; I have no official information from the United States of any pending negotiations that respects the late treaty, and consequently have every reason to suppose that the United States consider the treaty carried into effect as far as respects the evacuation of the posts on the east side of the Mississippi, above the 31st degree, north latitude, and therefore conclude that any reinforcements or additional works will have a tendency to disturb that harmony which at present happily prevails between the two nations, and which I am directed to cultivate.

You told me yesterday that you had received information from a gentleman, that I intended to attack the garrison at this place. I now request that you will discover the author, that he may have it in his power to acquit himself of this assertion, or be brought to that just tribunal, a crime of so heinous a nature merits, as the informer has been guilty of. I am, &c.

PIERCY S. POPE, Lieut. Artillery,
comdg. U. S. Troops Mississippi.

No. XVII.

From Don Manuel Gayoso de Lemos to Lieutenant Piercy Pope, dated Natchez, May 6, 1797.

SIR,—I received your letter dated the 5th instant, delivered me by lieutenant John M'Clary, in reply to mine of the 3d, by which, and by our conferences, I am persuaded of your disposition to cultivate that good harmony that is justly due to our nations. On my part I pledge my honour to you that I shall invariably continue considering you not only as I do every individual of your nation, but yet more particularly under the sacred view of its representatives, as likewise every person under your command, and under the direction of the honourable Andrew Ellicott.

I do assure you likewise, that my conduct shall be such, as not to merit the reflection of your nation, nor expose mine to any contest on account thereof; being answerable by my duty, and by my honour, to act with such propriety as will justify me in my publick capacity.

With regard to the person that gave the information, that in my familiar conversation I communicated to you, must be despised, and others discountenanced both by you, and by me, as our situations are sacred, and only subject to the alterations unanimously agreed upon by our nations. I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

No. XVIII.

Colonel King's Iron Works, April 21, 1797.

DEAR CAREY,—I wished to have seen you before I returned to Philadelphia, but I am obliged to return to the session of Congress which commences on the 15th May.

Among other things that I wished to have seen you about, was the business captain Chisholm mentioned to the British minister last winter at Philadelphia.

I believe but am not quite sure that the plan then talked of will be attempted this fall, and if it is attempted it will be in a much larger way than then talked of; and if the Indians act their part I have no doubt but it will succeed. A man of consequence has gone to England about the business, and if he makes arrangements as he expects, I shall myself have a hand in the business, and probably shall be at the head of the business on the part of the British. You are however to understand that it is yet not quite certain that the plan will be attempted; yet you will do well to keep things in a proper train for action in case it should be attempted, and to do so will require all your management; I say will require all your management, because you must take care in whatever you say to Rogers, or any body else, not to let the plan be discovered by Hawkins, Dinsmoor, Byers or any other person in the interest of the United States or Spain.

If I attempt this plan, I shall expect to have you and all my Indian country and Indian friends with me, but you are now in good business I hope, and you are not to risk

the loss of it by saying any thing that will hurt you until you again hear from me. Where captain Chisholm is I do not know, I left him in Philadelphia in March, and he frequently visited the minister, and spoke upon the subject, but I believe he will go into the Creek nation by way of South Carolina or Georgia.—He gave out he was going to England, but I did not believe him—Among things that you may safely do will be to keep up my consequence with Watts and the Creeks and Cherokees generally, and you must by no means say any thing in favour of Hawkins; but as often as you can with safety to yourself, you may teach the Creeks to believe he is no better than he should be—Any power or consequence he gets will be against our plan. Perhaps Rogers, who has no office to lose, is the best man to give out talks against Hawkins.—Read the letter to Rogers, and if you think it best to send it to him, put a wafer in it, and forward it to him by a safe hand, or perhaps you had best send for him to come to you, and speak to him yourself respecting the state and prospect of things.

I have advised you in whatever you do to take care of yourself; I have now to tell you to take care of me too, for a discovery of the plan would prevent the success, and much injure all the parties concerned. It may be that the commissioners may not run the line, as the Indians expect or wish, and in that case it is probable the Indians may be taught to blame me for making the treaty.

To such complaints against me, if such there are, it may be said by my friends at proper times and places that Doublehead confirmed the treaty with the President at Philadelphia, and received as much as five thousand dollars a year to be paid to the nation over and above the first price; indeed it may with truth be said, that though I made the treaty, that I made it by the instructions of the President; and in fact it may with truth be said, that I was by the President instructed to purchase much more land than the Indians would agree to sell. This sort of talk will be throwing all the blame off me upon the late President, and as he is now out of office, it will be of no consequence how much the Indians blame him. And among other things that may be said for me is, that I was not at the running of the line, and that if I had been, it would have been run more to their satisfaction. In short,

you understand the subject, and must take care to give out the proper talks to keep up my consequence with the Creeks and Cherokees—Can't Rogers contrive to get the Creeks to desire the President to take Hawkins out of the nation, for if he stays in the Creek nation, and gets the good will of the nation, he can and will do great injury to our plan—when you have read this letter over three times, then burn it. I shall be at Knoxville in July or August, when I will send for Watts and give him the whiskey I promised him.—I am, &c.

WILLIAM BLOUNT.

War Office, June 30, 1797.

I HAVE compared the foregoing documents, numbered from 1 to 18 inclusive, and do certify the same to be true extracts and copies from the records and files of this office.

JOHN STAGG, JUN. Chief Clerk.

SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO BOTH
HOUSES OF CONGRESS. NOV. 23, 1797.

Gentlemen of the Senate, and
of the House of Representatives,

I WAS for some time apprehensive, that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the national legislature at some other place. This measure it was desirable to avoid, because it would occasion much publick inconvenience, and a considerable publick expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow citizens. Therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination, having hopes, now happily realized, that, without hazard to the lives or health of the members, Con-

gress might assemble at this place, where it was next by law to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the constitution, upon such occasions, would not be a useful amendment to the law of 1794.

Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea, we have nevertheless abundant cause of gratitude to the Source of Benevolence and Influence, for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements: And above all, for a rational spirit of civil and religious liberty, and a calm, but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

Our envoys extraordinary to the French Republick, embarked one in July, the other early in August, to join their colleague in Holland.—I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journeys to Paris, within a few days of the nineteenth of September.—Whatever may be the result of this mission, I trust that nothing will have been omitted on my part, to conduct the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honour and interests of the United States.—Nothing, in the mean time, will contribute so much to the preservation of peace, and the attainment of justice, as a manifestation of that energy and unanimity, of which, on many former occasions, the people of the United States have given such memorable proofs, and the exertion of those resources for national defence, which a beneficent providence has kindly placed within their power.

It may be confidently asserted, that nothing has occurred since the adjournment of Congress, which renders inexpedient those precautionary measures recommended by me to the consideration of the two houses, at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is or is not to continue, I hold it most certain, that perfect tranquillity and order will not soon be obtained. The state of society has so long been disturbed; the sense of moral and religious obligations so much weakened; publick faith and national honour have been so impaired; respect to treaties has been so diminished, and the law of nations has lost so much of its force, while pride, ambition, avarice and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation, that a commerce, without protection or defence, will not be plundered.

The commerce of the United States, is essential, if not to their existence, at least to their comfort, their growth, prosperity and happiness. The genius, character and habits of the people, are highly commercial. Their cities have been formed, and exist upon commerce. Our agriculture, fisheries, arts and manufactures, are connected with, and depend upon it. In short, commerce has made this country what it is; and it cannot be destroyed or neglected, without involving the people in poverty and distress. Great numbers are directly and solely supported by navigation. The faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty, if I forebore to recommend, that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I have entertained an expectation, that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with his catholick majesty, respecting the withdrawing of his troops from our territory, and the demarcation of the line of limits; but by the latest authentick intelligence, Spanish garrisons were still continued within our country, and the running of the boundary line had not been commenced. These circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope, that the answers which have been given, will remove the objections offered by the Span-

ish officers to the immediate execution of the treaty, I have judged it proper that we should continue in readiness to receive the posts, and to run the line of limits. Further information on this subject will be communicated in the course of the session.

In connection with this unpleasant state of things on our western frontier, it is proper for me to mention the attempts of foreign agents, to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States. Great activity has been exerted by these persons, who have insinuated themselves among the Indian tribes, residing within the territory of the United States, to influence them to transfer their affections and force to a foreign nation; to form them into a confederacy, and prepare them for war against the United States.

Although measures have been taken to counteract these infractions of our rights; to prevent Indian hostilities; and to preserve entire their attachment to the United States, it is my duty to observe, that to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law providing adequate punishment for such offences may be necessary.

The commissioners appointed under the fifth article of the treaty of amity, commerce and navigation between the United States and Great Britain, to ascertain the river which was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, met at Passamaquoddy bay, in October, one thousand seven hundred and ninety-six, and viewed the mouths of the rivers in question, and the adjacent shores and islands; and being of opinion that actual surveys of both rivers to their sources were necessary, gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston, in August. They met; but the surveys requiring more time than had been supposed, and not being then completed, the commissioners again adjourned to meet at Providence, in the state of Rhode Island, in June next, when we may expect a final examination and decision.

The commissioners appointed in pursuance of the sixth article of the treaty, met at Philadelphia, in May last, to examine the claims of British subjects for debts contracted before the peace, and still remaining due to them from

citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations ; but the business is now resumed, and doubtless will be prosecuted without interruption.

Several decisions on the claims of citizens of the United States, for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made by the commissioners in London, conformably to the seventh article of the treaty. The sums awarded by the commissioners have been paid by the British government. A considerable number of other claims, where costs and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States, have also been paid.

The commissioners appointed agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia, in the summer past, to examine and decide on the claims of our citizens for losses they have sustained in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty, during the late war between Spain and France. Their sittings have been interrupted ; but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the commissioners acting under the sixth article of the treaty with Great Britain ; and for the losses and damages sustained by British subjects, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States, and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the commissioners acting under the seventh article of the same treaty, it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by the cruisers of the French Republick, and of some by those of Spain, have occasioned considerable expenses, in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose, have, in divers instances, been disbursed by the consuls of the United States.—By means of the same captures, great numbers of our seamen have been thrown ashore in foreign

countries, destitute of all means of subsistence ; and the sick, in particular, have been exposed to grievous sufferings.—The consuls have, in these cases also, advanced moneys for their relief. For these advances, they reasonably expect reimbursements from the United States.

The consular act, relative to seamen, requires revision and amendment. The provisions for their support in foreign countries, and for their return, are found to be inadequate and ineffectual.—Another provision seems necessary to be added to the consular act. Some foreign vessels have been discovered sailing under the flag of the United States, and with forged papers. It seldom happens that the consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea letters.

Gentlemen of the House of Representatives,—It is my duty to recommend to your serious consideration, those objects which, by the constitution, are placed particularly within your sphere, the national debt and taxes.

Since the decay of the feudal system, by which the publick defence was provided for chiefly at the expense of individuals, the system of loans has been introduced. And as no nation can raise within the year, by taxes, sufficient sums for its defence and military operations in time of war, the sums loaned, and debts contracted, have necessarily become the subject of what have been called funding systems. The consequences arising from the continual accumulation of publick debts, in other countries, ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for, as well as the support of government ; but both should be accomplished, as much as possible, by immediate taxes, and as little as possible by loans.—The estimates for the service of the ensuing year, will, by my direction, be laid before you.

Gentlemen of the Senate, and Gentlemen of the House of Representatives.—We are met together at a most interesting period. The situations of the principal powers of Europe are singular and portentous. Connected with some by treaties, and with all by commerce, no important event there, can be indifferent to us. Such circumstances call with peculiar importunity, not less for a disposition to unite in all those measures, on which the honour, safety,

and prosperity of our country depend, than for all the exertions of wisdom and firmness.

In all such measures, you may rely on my zealous and hearty concurrence.

JOHN ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 23, 1798.

At the commencement of this session of Congress, I proposed in the course of it, to communicate to both Houses, further information concerning the situation of our affairs in the territories of the United States situated on the Mississippi river, and its neighbourhood,—our intercourse with the Indian nations,—our relations with the Spanish government, and the conduct of their officers and agents: This information will be found in a report of the Secretary of State and the documents attending it, which I now present to the Senate and House of Representatives.

JOHN ADAMS.

REPORT

OF THE SECRETARY OF STATE TO THE PRESIDENT OF THE UNITED STATES.

IN observance of your directions I have revised the communications from Mr. Ellicott, the commissioner of the United States at the Natchez, since my report of the 3d of July last, which, with the documents therein referred to, you, on the same day, laid before Congress; and now respectfully submit to you a statement of whatever appears therein to be material.

The last letter from Mr. Ellicott, of which a communication was made to Congress, bore date the 10th of May last. His next, dated the 27th of that month, I received the 24th of August. In this he mentions that reinforce-

ments were sent from New Orleans to the post at Walnut-hills, and that repairs were made on the fort at the Natchez: That he had received very satisfactory accounts from both the Chickasaws and Chactaws, that for more than eight months past, they had been tampered with by the Spanish agents and traders, to prevent the late treaty between his catholick majesty and the United States from being carried into effect;—though Mr. Ellicott thinks, without success. On the 11th of May, he wrote to governour Gayoso desiring a definitive answer as to the time he would be ready to proceed to the determination of the boundaries between the two nations, as specified in the treaty;—to which he received an unsatisfactory answer. On the 16th he addressed governour Gayoso a retrospective view of their correspondence, and of that with lieutenant Pope, exhibiting the repeated promises and demonstrations of running the boundary line and evacuating the posts—the non-performance of those promises—and the varied pretences for the delay. To this detail of unfulfilled engagements and contradictory measures, the governour answered Mr. Ellicott on the 17th, “That he should not trouble him with justifying the motives which had caused *some disagreement* in his (the governour’s) communications;” adding however, that “they were far from being insincere.”

In his next letter dated the 4th of June, Mr. Ellicott mentions that “The citizens of the United States who are trading on the Mississippi are frequently treated with great insolence, at the Spanish posts, and their property taken for the use of his catholick majesty, when wanted, and always at a reduced price.” He instances the case of a Mr. M’Cluny, from whom a large quantity of flour was thus taken at the Walnut-hills—and of Francis Bailly, who was compelled to receive as cash, in payment for goods sold, a species of paper, which was passing at a discount of twelve per cent.

With this letter Mr. Ellicott transmitted the copy of a proclamation by the Baron de Carondelet, governour general of Louisiana, bearing date at New Orleans the 24th of May; and ordered to be published. In order to dissipate reports, which had alarmed the inhabitants of the Natchez, the Baron therein declares “That the suspension of the demarcation of the limits, and the

evacuation of the forts, which will be comprehended on the other side of the line, is at present only occasioned by the imperious necessity of securing Lower Louisiana from the hostilities of the English, who (he says) without regard to the inviolability of the territory of the United States, have set on foot an expedition against Upper Louisiana, which they cannot, however, attack without traversing the aforesaid territory." But he suggests, that if they made themselves masters of the Illinois country, they would then attack Lower Louisiana. This fabulous expedition of the English from Canada is thus made the pretence for the non-execution of the treaty on the part of Spain. "We have thought proper (says the Baron) to put the post of Walnut-hills in a respectable but provisional state of defence, until the United States, informed of these motives, by the minister plenipotentiary of his majesty, to whom we have communicated them, provide against these inconveniences; and by taking the proper steps to cause the territory to be respected, shall put in our power to fulfil, without danger, the articles of the treaty concerning limits."

In this proclamation, the information of the English expedition is represented as having been communicated by the Baron de Carondelet to the Spanish minister in the United States; but in his next proclamation, one week afterwards (May 31st) he sets forth that he had received from that minister information of the expedition from Canada, and, therefore, "had judged it necessary for the surety and tranquillity of Lower Louisiana, to suspend the evacuation of the post of Natchez and the Walnut-hills." And as early as the first of May, governour Gayoso, in a letter to Mr. Ellicott, published with the other documents laid before Congress, at the last session, assigns the information before that day received by the Baron from the Spanish minister, of the above pretended expedition, as the reason for holding the posts, and putting them in a state of defence; particularly the Walnut-hills. In the same proclamation (of which a copy No. 1. is annexed) the Baron affects to consider the march of a detachment of American troops from the Ohio to the state of Tennessee, while it has been intimated, as he says, to the militia of Cumberland to hold themselves ready to march at the first notice, as an evidence of

a hostile attack intended, even by the United States, on Louisiana.

The pretences for holding the posts in question, and delaying to run the boundary line, having varied from time to time, it may be proper to present them in one view.

—In the month of March—

1st. That it was uncertain whether the forts, when evacuated were to be demolished or left standing.

2d. That it was necessary to secure the real property to the inhabitants. And both these points, it was said, must be adjusted by a negotiation between the two governments of Spain and the United States, prior to the evacuation of the posts.

3d. That they must be retained until the Spanish officers were sure the Indians would be pacifick.

—On the 24th of May—

4th. The English expedition from Canada, which could not proceed without violating the territory of the United States.

But in the proclamation of this date, the putting of the principal post, that of the Walnut-hills, in a state of defence was declared to be only provisional, and until the United States should cause their territory to be respected.

5th. On the 31st of May, the Baron's second proclamation repeats the same pretence, the English expedition, and adds a new one, That the United States were marching troops, and preparing the militia to take the Spanish dominions by surprise. Further motives are also assigned—antior menaces by the commissioner Mr. Ellicott and of lieutenant Pope and the expected rupture between the United States and France. And new conditions are now mentioned to be performed by the United States, viz: That they should, as a necessary evidence that they have no hostile intentions against the Spanish provinces, either leave the post of the Natchez, or the Walnut-hills, in possession of Spain as "The only bulwarks of Lower Louisiana to stop the course of the British;" or give to the Spaniards "security against the article of the treaty with

Great Britain which exposes Lower Louisiana to be pillaged and destroyed down to the capital. Then (says the Baron) we will deliver up the said posts, and lay down our arms, which they (the United States) have forced us to take up, by arming their militia in time of peace, and sending a considerable body of troops by round-about ways to surprise us."

Pretences more frivolous, or more unfounded and unwarrantable, were perhaps never urged as reasons to excuse a violation of the faith of treaties. Never, perhaps, was conceived a more absurd idea, than that of marching troops from the Ohio to the state of Tennessee, and thence to the Natchez, in the whole a tedious, difficult, and expensive route of many hundred miles, chiefly through a wilderness ;—when, if the United States had any hostile views, they had only to collect their troops to the Ohio, and suffer them to be floated down that river, and the Mississippi, almost without labour, with great expedition and at small expense, to the country to be attacked. But the suggestion is as false as it is absurd.

Neither does any article of the treaty between the United States and Great Britain (the Baron doubtless means the treaty of 1794) nor the explanatory article of 1796, give to Great Britain any new right respecting the navigation of the Mississippi, and consequently do not expose, more than it was before exposed, Lower Louisiana to be pillaged and destroyed by the British. But this question having been fully discussed in my letter of the 17th of May last to the Spanish minister, and his reasoning demonstrated (as I conceive) to be utterly unfounded, it would be a waste of time to add any further observations upon it.

If the posts of the Natchez and Walnut-hills "are the only bulwarks of Lower Louisiana, to stop the course of the British," as the Baron asserts, and if, therefore, Spain is justifiable in holding them—she may retain them without any limitation of time—for her security in any future war, as well as in that which now exists. But this, like all the other reasons which have been before advanced, is merely ostensible. The true reason is doubtless developed by the Baron in his proclamation of the 31st of May. *The expectation of an "immediate rupture between France, the intimate ally of Spain, and the United States."*

The Spanish minister having resumed this subject in his letter to me of the 11th of July, his own printed translation of it, and my answer of the 8th of August, are hereto annexed ; together with his letter of the 19th of August, acknowledging the receipt of that answer, and his two subsequent letters of the 9th of October and 21st of November. With the last it seems proper to lay before you a paper signed VERUS, which appeared in the *Aurora*, printed by Benjamin Franklin Bache, on the morning of the 23d, containing in substance his letter of the 22d, which I received the preceding evening, and some additional expressions which the minister himself deemed too gross to be addressed to the government under his proper signature ; but which, under the circumstances here mentioned, must necessarily be ascribed to him.

In his next letter, Mr. Ellicott gives an account of an insurrection of the inhabitants of the Natchez. A minute detail of the circumstances which gradually tended to produce this event, he says, would fill a volume. The following relation is extracted from his letter of June 27th. "The delay (says he) on the part of the Spaniards, to carry the late treaty between his catholick majesty and the United States into effect, gave great uneasiness, which was daily increased by the Spaniards reinforcing and repairing the fort at this place and the Walnut-hills. The people considered those preparations as a determination on the part of Spain to retain the country, notwithstanding the late treaty. A disposition was frequently manifested to resist the laws of Spain ; but they were, nevertheless, submitted to without a direct opposition, until Friday the 9th instant, when a Mr. Hannan, a preacher among the Baptists, was taken on some trivial pretence, and confined by his legs in a small building within the fort. This was considered as an attack upon the privileges of the citizens of the United States (Mr. Hannan being one) and a determination, at all events, to enforce the laws, civil and religious, of Spain, with rigour. Under this impression the inhabitants flew to arms, and the governour and principal officers of government took refuge in the fort. Thus in less than ten hours, by an unnecessary exertion of power, the authority of the governour was confined to the small compass of the fort."

“Saturday the 10th, the opposition to the Spanish government had extended almost over the district. Sunday the 11th, a number of enterprising opposers of the Spanish government called upon lieutenant Pope and myself, and declared their determination of commencing hostilities, in consequence of the imprisonment of Mr. Hannan, and a proclamation of the Baron de Carondelet (that of the 31st of May before mentioned) *which they considered as a declaration of war against the United States*: To oppose them directly would have put an end to our influence in the country; and to encourage them, in my opinion, would have been improper, as the United States had not extended their jurisdiction to this district. I, therefore, on my part, resolved to do neither; but, to divert their attention from immediate acts of hostility, proposed to them, to make a formal declaration of their being, by the late treaty, citizens of the United States, that they might have some claim to protection; but at the same time not to lose sight of their personal safety, and act on the defensive only. This had the effect I expected. On the evening of Monday the 12th, Mr. Pope and myself received a verbal message from governor Gayoso, by his adjutant major Minor, to the following purport, “Gentlemen, governor Gayoso requests the favour of an interview with you, all as private gentlemen: the interview to be without the fort, to see if some plan cannot be devised to quiet the present disturbance in the country.” To this message I replied, that “I had no objection to the proposed interview, that I approved of peace, and would join in any measures for that purpose, consistent with the honour and safety of the people, who generally considered themselves citizens of the United States.” Mr. Pope’s answer was very different, and to the following effect. “You will please to inform governor Gayoso that I will not agree to the interview, nor have any correspondence with him, but what shall be official; and I will repel by force, any attempts that are made to imprison those who claim the privileges of being citizens of the United States.” As the message was jointly to Mr. Pope and myself, and Mr. Pope would not attend, I informed major Minor that I should not attend alone. All my address was now exerted to avert the storm, and bring it to a favourable issue; and I could see no mode so likely to answer the purpose,

as measures apparently decided. Under this impression, about ten o'clock in the evening, after major Minor had been with us, I entered my approbation to a letter written by Mr. Pope to a large number of the inhabitants of this district, assembled at a Mr. Belt's, about nine miles from this place.* On the morning of the 13th, I received a letter (No. 2.) from governour Gayoso, to which I immediately returned an answer (No. 3.) The ensuing evening about eleven o'clock, I received a verbal message, by Mr. George Cochran, contractor for the United States at this post, from governour Gayoso, requesting a private interview with me at the house of Mr. Cochran (which is in the neighbourhood of the fort) at nine o'clock the next morning: to this I had no objection, as I supposed the object of the interview was to fall upon some plan of an accommodation. The next morning, being the 14th, I met governour Gayoso, according to his request. He appeared much agitated at first, but soon became calm, and we entered upon the subject of the tumult in the country:

* This letter from lieutenant Pope has since been transmitted by colonel Anthony Hutchins of the Natchez, to the Department of State, and is as follows.

"Natchez Camp, June 12, 1797.

"Fellow citizens of the district of Natchez.

"Having received information that a number of you will be collected at my friend Belt's, in conformity to an indirect invitation sent to you for that purpose, I have now positively to make the declaration to you that I have made this evening to governour Gayoso, that I will at all hazards protect the citizens of the United States from every act of hostility—I mean all such as reside north of the 31st degree of north latitude, or within thirty-nine miles due south of the Natchez. I now therefore, call on you in the most solemn manner, to come forward, assert your rights, and you may rely on my sincere corroboration to accomplish that desirable object.

I shall expect your assistance to repel any troops or hostile parties that make an attempt to land for the purpose of reinforcing this garrison or other purposes detrimental to the inhabitants of this country.

PIERCY S. POPE,
Commanding U. S. troops, Natchez.

From the present alarming situation of this country I fully approve of captain Pope's letter of this date to his fellow citizens assembled at Mr. Belt's.

ANDREW ELLICOTT,
Commissioner U. S. June 12, 1797.

A true copy, examined per

THOMAS M. GREEN.

he was desirous to know upon what terms the people would be willing to disperse. I proposed the outlines of an accommodation, to which he acceded. In order to prevail on Mr. Pope to consent to an interview with governor Gayoso, I spoke to Mr. Cochran and several other of his friends, whose influence prevailed, and the interview took place at the government house, about five o'clock in the afternoon; when, after some discussion, the governor proposed the terms (No. 4.) on which he was willing to accommodate with the people: Mr. Pope had some objections, but at length withdrew them. On Wednesday morning the governor published the proclamation (No. 5.) founded in part upon the terms which were agreed upon at our interview. But this proclamation had not the desired effect; in some places it was torn to pieces. The words "candid repentance," rendered the whole obnoxious.—The people considered themselves not only citizens of the United States, but supporting a virtuous and honourable cause; and, therefore, in no need of "repentance." As soon as I discovered that the proclamation had no effect, I gave the information to the governor's adjutant, major Minor. The business now put on a very serious aspect, and hostilities appeared inevitable. By this time the opposition to the Spanish government had assumed some form; a number of respectable militia companies had elected their officers, and were ready to take the field. Friday the 16th, it was agreed that a meeting of the principal inhabitants of the district should be held at Mr. Belt's on Tuesday the 20th. In the mean time both sides continued their preparation. Companies of militia were forming and organizing in the country; and the governor exerting himself by strengthening and reinforcing the fort. He called to his aid every person who would join him, either through attachment or fear: he was, nevertheless, too weak to attempt any offensive operations. On Saturday, the 17th, about ten o'clock at night, a Spanish patrolle fell in with a patrolle from our camp, and fired upon it, the fire was returned; but I believe that there was no damage done. On Sunday evening, the 18th, I received a verbal message from the governor, by his adjutant, major Minor, requesting a private interview with me the next morning, at the house of his adjutant; to which I consented without any hesitation.

The next morning he left the fort and rode by a circuitous route to the adjutant's place, where I joined him. Our conversation immediately turned upon the state of the country; he assured me that he was very desirous of coming upon some terms of accommodation; and as he understood that I intended to attend the meeting the next day at Mr. Belt's, he requested that I would be so good to use my influence to bring about a compromise. I told him that was my object; and that a plan had already been agreed upon by colonel Hutchins and myself, to check, and finally put an end to the present disturbance; but no terms could now be expected that were not honourable for the people: they had felt their strength, and would only agree to return home by being admitted to enjoy a state of neutrality, so far as it respected military operations, till the late treaty between his catholic majesty and the United States should be carried into effect. To this privilege I thought them entitled; but to go farther would be impolitick, and probably attended with ruin to individuals, if not to the district. As the governour did not appear dissatisfied with my observations, I took it for granted he would agree to a qualified neutrality.—On Tuesday the 20th, I attended the meeting at Mr. Belt's, which was large and respectable.

Here it was concluded that a committee should be appointed to take the situation of the country into consideration, and make arrangements with the governour for restoring peace and tranquillity; which arrangements should, as a greater security to the people, be ratified by the governour general, the Baron de Carondelet. Seven gentlemen were accordingly elected as the committee, and Mr. Pope and myself were requested by the same meeting, unanimously, to attend with them. The committee immediately wrote a note to the governour, informing him of their election; to which the governour returned a polite reply; expressing his happiness that this salutary measure was adopted. "On Wednesday the 21st, the committee met and proceeded to business; and after much deliberation and several interviews with the governour, the propositions (No. 6.) on the 22d, were agreed to, and confirmed by the parties. On the same day Mr. Pope and myself presented the governour our engagement (No. 7.) to co-operate with the committee, in preserving peace and

good order in the country. On the 23d, the governour's proclamation (No. 8.) embracing the four propositions was published, which gave general satisfaction, and once more restored tranquillity to the district: thus ended this tumult, without a single act of violence having been committed during the suspension of the government and laws, for the space of two weeks. From the Baron de Carondelet's proclamation of the 31st of May, it would appear that I had menaced the Spanish government of Louisiana. This is wholly a misrepresentation, and calculated to answer the worst of purposes. Ever since I came into this country I have been a cultivator of peace and harmony between the Spanish and American governments, for which I have been frequently censured by many citizens of the United States, who have come on to this place since the ratification of the late treaty between the United States and the king of Spain.—But when the late tumult began, I could not hesitate as to the part I should take; and in taking the part I did, peace was my main object. If my endeavours have had the least share in bringing about the honourable compromise between the governour and the people, I shall think myself amply rewarded for the trouble and anxiety I have experienced on that occasion."

The agreement between the committee and governour Gayoso, was in due time ratified by the governour general, the Baron de Carondelet.

Mr. Ellicott, in his letter of September 12th (which was received the 16th of November) mentions that governour Gayoso had succeeded the Baron de Carondelet as governour and general in chief of Louisiana, and gone to New Orleans, and had committed the government of the Natchez district to major Stephen Minor.

His communications relative to the Choctaw nations, show their friendly disposition towards the United States, and determination to remain at peace.

It appears that there is an unhappy dissention among the inhabitants of the Natchez; one party blaming, and the other decidedly justifying the conduct of Mr. Ellicott, as uniformly calculated to maintain the tranquillity and happiness of the settlement. At the head of the former is colonel Anthony Hutchins.

Mr. Ellicott pointedly denies the charge of the Spanish minister—that he intended to get possession of the Nat-

chez fort by surprise ; of which the minister said governor Gayoso possessed the proofs ; and far from evading an inquiry, desires governor Gayoso to furnish the minister with all the evidences he possesses to substantiate the charge.

In his next letter, dated the 24th of September, Mr. Ellicott encloses a resolution (No. 9.) of the permanent committee manifesting their confidence in him, and requesting him to represent the present situation of the district to the President of the United States, and also all the measures which from his knowledge of the circumstances of the country, acquired by his residence there, he shall deem to be conducive to its future welfare ; " In the event of the late treaty between his catholic majesty and the United States, being carried fully into effect."

Mr. Ellicott has accordingly expressed his opinion, founded on very cogent reasons, that the form of government established for the Northwestern Territory, will be the most proper for the Natchez district ; with the exception respecting *slaves*, which was admitted when the same form of government was given to the territory south of the river Ohio, now the state of Tennessee. His information in this letter respecting the titles to the lands held in that country by the inhabitants, will be useful when the introduction of a government there, under the authority of the United States, shall be contemplated.

By the communications in this despatch, it appears that the permanent committee, which are considered as an important part in the present administration of the affairs of the Natchez district, were chosen freely by the inhabitants, assembled with the consent of the governor, and that they have his approbation for their steady zeal in promoting the peace of the country.

On the 28th of November, I received Mr. Ellicott's letter of the 7th of October, at which time no change had taken place in affairs at Natchez.

He encloses the copy of a letter from governor Gayoso, dated at New Orleans the 14th of September, in answer to one from Mr. Ellicott of the 6th, in which he referred to the representations of the Spanish minister in his letter to me of the 24th of June last (which, with other documents, was laid before Congress on the 3d of July) criminating Mr. Ellicott's conduct at the Natchez ; particu-

larly that he intended to possess himself of the Natchez fort by surprise; and desired the governour to furnish the minister with those proofs which the minister had asserted to be in his possession. In the governour's answer of September 14th, he says to Mr. Ellicott—"I am sure the proofs in my possession, that the chevalier de Yrujo refers to, are the remainder of the copies of your letters to me, which he then had not, but long before this must have received. You may be assured I never made any other construction upon your expressions than that which may be conceived by every person in the United States."

In the same letter of September 6th, Mr. Ellicott says, "So far as I can judge at present, all the obstacles which occasioned the delay on your part, in ascertaining the boundary lines between his catholick majesty's provinces of East and West Florida and the territory of the United States are now removed: I, therefore, wish to be informed when you can with convenience proceed to the running of the lines above mentioned."

The governour in his answer of the 14th, says, "Those difficulties which alternatively have caused a suspension in the execution of that part of the treaty between his majesty and the United States, in which we have the honour to be concerned, subsist yet: and the conduct of the Spanish officers is completely justified to the world, by the publication of Mr. Blount's letter and the correspondence between the Secretary of State and Mr. Liston. Until the king, my master, has those assurances which are necessary from the United States, to secure the safety of this province, you cannot reasonably expect that I should be authorized to act in a different manner than hitherto. As soon as I receive orders, removing the present obstacles, I shall cheerfully proceed to the running of the boundary lines."

To this Mr. Ellicott replied, and recited the obstacles to the execution of the treaty which at different times had been presented by the Spanish governours, and which he conceived to be completely removed by the declaration of the President in his message to Congress, on the 12th of June, the uniform conduct of the United States in respect to the Indian nations, and the exhibition of facts respecting the pretended expedition of the English from Canada, and the navigation of the Mississippi.

Mr. Ellicott's next letter is dated at the Natchez the 27th of October, and was received the 5th instant. He says that country "is in great confusion;" owing to the intrigues which have produced two parties among the people. He adds "Congress at their last session, by not coming to any decision relative to this territory, has weakened the interest of the United States among the inhabitants more than you can conceive. It has been artfully propagated, from that circumstance, that the treaty in all probability will not be carried into effect, and the country remain as heretofore under the jurisdiction of his catholic majesty:" which belief is producing its natural consequences.

He represents the permanent committee as unwearied in their endeavours to promote peace and good order, and the characters of its members as among the first in that country for respectability; which is confirmed by the certificate (No. 10.) of the temporary governour, major Minor; which also shows that they are acknowledged, as an authorized body, by the Spanish government.

His next letter is dated at the Natchez the 14th of November, and was received the 4th instant. He details the different facts and circumstances which have led him to think that designs are carrying on in the district unfavourable to the interests of the United States.

Colonel Anthony Hutchins presented to the temporary governour an application dated the 9th of August, setting forth, that although the inhabitants in general in their present state of neutrality, are well disposed, and submit "To the presiding authority and the prevailing laws that are now executed with mildness;" yet conceiving and firmly believing that the treaty between the United States and Spain will be carried into effect, "and that there is *more than a probability that the United States will avail themselves of the claim of dominion to the 31st degree of north latitude:* under which consideration they conceive it expedient to appoint a man of some abilities, with the appellation of agent to address Congress on important occasions, and that there may be also a committee of safety who may correspond with such agent, and from time to time communicate to him the sense and will of the people:" He therefore, "In behalf of a very respectable number of the inhabitants of the Natchez, and at their request, solicits for

permission that elections may be held in the several districts within that province and in the town of Natchez, to elect such agent and such committee of safety and correspondence on the second of September" in the manner described by colonel Hutchins in his application. This required that the alcaldes (or justices) should hold the elections, or in their default certain assistants, *whom he names* ; and that the alcaldes and assistants should not be eligible : it also proposed to admit as voters all the inhabitants settled and residing in the district who were " not less than *eighteen* years of age."

To this request of colonel Hutchins, the temporary governor acceded ; as appears by his act (No. 11.) dated the 16th of August.

" Immediately upon this being made publick (says Mr. Ellicott) it excited considerable alarm, and was generally considered by the well disposed inhabitants as an artful measure, calculated to divide the people between the two committees, which if effected, would in all probability end in a breach of the *neutrality* by one or other of the parties, and thereby produce the re-establishment of the Spanish government."—Under this impression, six of the ten sub-divisions, of which this district is composed, protested against the election, of course there were but four elections held agreeably to the permission."—Among the reasons assigned in the protests against this proposed election, were these ; " Because (say the protesters) we dread the effect of such a precedent, which appears to us to involve the seeds of anarchy, and an open contempt of the authority invested in the committee, our only legal representatives."—" Because by the mode of election not less than thirty of our most intelligent and respectable citizens are rendered incompetent to serve either as the said agent or in the committee." " Because it is calculated to introduce a direct innovation in the principles of election, by admitting to the privilege of voting persons of the age of eighteen"—And " because neither the powers of the agent nor committee are properly defined."

Mr. Ellicott states that the four persons elected in the other four sub-divisions, " with colonel Hutchins at their head," proceeded to business. Afterwards another member was added by the nomination of ten voices in one sub-division ; and a sixth was appointed by the *subscrip-*

tion of fewer than thirty persons. The committee thus constituted, produced a very long "petition and memorial" addressed to the "House of Representatives of the United States in Congress assembled," of which Mr. Ellicott has transmitted a copy; but of which it does not seem necessary to anticipate the presentation to Congress by the agent to whom it may for that purpose be committed. One object of the memorial seems to be to criminate the conduct of the American commissioner, Mr. Ellicott, and the commander of the troops, captain Pope. But proofs accompany Mr. Ellicott's communications that this part of the long memorial was concealed from many who subscribed it, and other testimonies in vindication of those officers. The exhibition of these documents, I have thought might also be suspended, until the "petition and memorial" were presented to Congress. It may, however, be proper to remark, that the memorial, as well as the proceedings of the regularly appointed permanent committee, view the actual establishment of a government at the Natchez, under the authority of the United States, as to take place only when its present state of neutrality shall cease; that is, when the Spanish jurisdiction shall be withdrawn. But as this may happen when Congress is not in session, and, if in session, much time must elapse in the ordinary course of doing business, before the form of government proper to be introduced at the Natchez may be agreed on; considering also the further lapse of time before it can be organized, and put in operation, in a country so remote from the seat of the general government: it appears highly expedient that the subject should now be taken up, and the necessary arrangements made, to prevent the inconveniences and mischiefs which may result from leaving a population of five thousand persons for any length of time, without the powers of government.

It remains for me to make a few remarks on the letters of the Spanish minister of the 9th of October and 21st of November.

The principal object of the former, appears to be, to introduce some evidence to show that Mr. Ellicott and lieutenant Pope had conducted towards the Spanish government in a manner irregular, provoking, insulting, and in some degree hostile. He adduces, as proofs, the documents enclosed in his letter, and numbered from 1 to 6.

The declaration that governour Gayoso had positive advice that in the camp of lieutenant Pope, *scaling ladders and arms were preparing*, having for their object an assault on the Natchez fort, is perfectly new. I have never received an intimation of it from any other quarter. Besides, this charge rests only on "*positive advice*," not *positive proof*—and is doubtless without any proof.

Governour Gayoso, in his letter of the 13th of June to lieutenant Pope, says he is informed that some of the inhabitants intended to attack the fort; and at his instigation; and asks whether he had stirred up the people to take the fort? or incited them to other hostile acts? To each of which questions lieutenant Pope positively answers, no. To similar questions put to Mr. Ellicott he also peremptorily answers in the negative. The documents which the minister himself has furnished contain these questions and answers; and should have prevented the insinuation here noticed.

The other charge in the same paragraph, that Mr. Ellicott and lieutenant Pope, discouraged by the firmness and vigilance of governour Gayoso, from attempting to take the forts at the Natchez and Nogales (Walnut-hills) by force or surprise, they availed themselves of some profligate people to excite an insurrection, is alike void of foundation. The rise, progress, and issue of the insurrection is satisfactorily exhibited in Mr. Ellicott's letter of June 27th, from which copious extracts have been herein before given. And with respect to the fort at Walnut-hills, they could never have entertained the remotest idea of taking it in one way or the other: its situation being about one hundred miles from the Natchez, up the Mississippi, and its garrison composed of a force probably two or three times superior to that under the command of lieutenant Pope.

The minister considers as an insult towards the Spanish government, the following expression of Mr. Ellicott in his letter of the 13th of June to governour Gayoso: "The people cannot with propriety be censured for recurring to that conduct which will ultimately secure their felicity." "This (says he) is clearly an indirect attack upon the Spanish government, as unjust as improper on the part of an agent of a friendly nation."

It may be pertinent here to remark, That when Mr. Ellicott was commissioned as the agent of the United

States, nothing was less expected than that he would be obliged to enter upon a tedious controversy with the Spanish officers on subjects really foreign to the business of his mission—that of running the boundary line between the territories of the two nations. If, after waiting several months to begin that operation; if, after being repeatedly promised that it should very soon be commenced; if, after repeated violations of these promises, and others relative to the evacuation of the forts, and procrastinations resting on a succession of pretences, frivolous, unreasonable, and unfounded, Mr. Ellicott should have felt some irritation, and been provoked to some indiscreet acts, it would not be surprising. Whether, however, any part of his conduct merits the character of indiscretion, may be determined by the documents now and formerly exhibited; for he has not sought concealment.

But if the inhabitants thought, what Mr. Ellicott expressed, that a change from the jurisdiction of Spain to that of the United States “would ultimately secure their felicity,” it may be accounted for by a few facts, which will justify both one and the other.

It is well known that the inhabitants of the Natchez district consist chiefly of persons who were formerly British subjects and their descendants, and of emigrants from the United States. All these, born and educated under forms of government so essentially different from that of an absolute monarchy; and, especially, in all criminal and civil causes, accustomed to a mode of trial peculiarly dear to the inhabitants of England and of the United States, and which the constitutions of the latter have so formally and scrupulously guaranteed, the trial by jury:—the inhabitants also being nearly all protestants; and in the United States, persons of all persuasions enjoying the most perfect religious as well as civil liberty, they could not be indifferent to,—it is impossible that they should not prefer a jurisdiction, which would perfectly secure to them both their civil and religious rights. I need not remark, that, under the Spanish government, trial by jury is unknown; and at the Natchez the governor was the legislator and the judge; and regulated and restrained their civil and religious rights. As an instance, might be cited governor Gayoso’s proclamation of the 29th of March, 1797, numbered xv in the documents

which were laid before Congress on the 12th of June last. By that act he suspends the collection of debts, and restrains to *private meetings* the exercise of any other than the catholick religion. These are his words—"This being the season in which the planters are employed in preparing for an ensuing crop, none shall be disturbed from that important object on account of their depending debts." "Liberty of conscience is hereby positively explained to be, that no individual of this government shall be molested on account of religious principles; and that they shall not be hindered in their *private meetings*; but no other *publick worship* will be allowed but that generally established in all his majesty's dominions, which is the *catholick religion*."

The minister also complains that Mr. Ellicott and Mr. Pope interferred in political matters; because they engaged themselves to co-operate with the committee appointed to preserve the peace and to obtain the due execution of justice, and *approved* of the propositions presented to governour Gayoso. But a recurrence to the foregoing narrative extracted from Mr. Ellicott's letter of the 27th of June, and the documents he refers to, will show that both were requested to interfere, and that they were called on by the governour to be consulted on the means of putting an end to the insurrection—and that the result of that consultation was a plan of accommodation, a proposal of measures which (as asserted in another document not before quoted*) "through the influence of Mr. Ellicott and captain Pope were adopted."

A few words on the Spanish minister's letter of the 21st of November, will conclude this report.

Referring to his letter of the 6th of May, and to my answer of the 17th (which are among the documents laid before Congress on the 17th of May) he says—"His catholick majesty has not observed in the said answer from you, any reason to induce him to change his opinion concerning the injuries resulting to his subjects from the stipulations of the English treaty, compared with those of the treaty with Spain, as well on the subject of the articles of contraband, as on the principle adopted in ours: "That free ships shall make free goods, &c."

* Letter from George Cochran to the permanent committee, in October.

"But what has most astonished his majesty, and confirmed him in the justice of his pretensions, is what you have said in your answer with regard to the navigation of the Mississippi."

It is much to be regretted that difficulties should be raised and persevered in, on questions so plain and easy to decide. Without entering again into a particular discussion of this subject, a single fact, which on the 17th of May, I supposed probable, and which I am now authorized to assert, is sufficient to obviate all the objections and arguments which have been adduced by the Spanish minister. It is this—That when the treaty between the United States and Spain was negotiated by Mr. Pinckney with the Prince of Peace, the latter was furnished with an entire copy of the treaty of amity, commerce and navigation, between the United States and Great Britain: consequently it is to the last degree preposterous for the Spanish government now to complain that the treaty with Great Britain rejected the principle that "free ships made free goods," or that it extended the list of contraband. With a perfect knowledge of the articles of the British treaty on these points, if the Spanish government had any objections to make, that was the time; and to have refused to enter into different stipulations with the United States; but having, notwithstanding, voluntarily entered into them, it cannot now offer and insist on such objections, without a manifest departure from the principles of candour and good faith.

The same observations will apply to the question concerning the navigation of the Mississippi.

In the first place, the Spanish government, when its treaty of peace with Great Britain was concluded at Paris on the 3d of September 1783, by which West Florida was ceded to Spain, well knew that by the provisional treaty between Great Britain and the United States, concluded at Paris the 30th of November 1782, the articles of which constituted the definitive treaty of peace between these two powers,—it was stipulated that "The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States." And yet even this stipulation, which was inviolably binding on the United States, by the provisional articles before men-

tioned, nine months before West Florida was ceded to Spain, is now strangely objected to by the Spanish minister, and as a reproach to the United States!

In the next place, when our treaty with Spain was concluded on the twenty-seventh of October, 1795, the Spanish government possessed the like perfect knowledge, that eleven months preceding, viz. on the 19th of Nov. 1794, in the treaty of amity, commerce and navigation, between the United States and Great Britain, the above stipulation of 1782 and 1783 was recognised in these words—"The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties." And on this occasion the Spanish government did object; it wished the United States to enter into a mutual stipulation with Spain for the purpose of *excluding* Great Britain from the navigation of the Mississippi: but the minister of the United States explicitly refused to do it; and in writing assigned the reason—that it would violate the good faith of the United States previously pledged to Great Britain: and the Spanish government gave up this objection, or the minister of the United States would not have concluded the treaty. How truly astonishing is it, after all this, that the United States should be reproached for the stipulation with Great Britain respecting the navigation of the Mississippi! And as having thereby *offended* and *insulted* Spain! And how long is our patience to be abused by such unfounded charges?

But although the chevalier de Yrujo, in his argument upon this point, refers alike to our treaty of peace with Great Britain in 1783, to our treaty of amity, commerce, and navigation in 1794, and to the explanatory article of the latter concluded on the 4th of May 1796, yet in the end, as if conscious that his observations, as applied to the two former, were impertinent, he confines his charge to the latter, and says that "his catholick majesty has just motives for being offended with the *explanatory article* signed on the 4th of May, 1796." But neither does this explanatory article contain any new stipulation. It recognises the principle, that a subsequent treaty cannot annul any stipulation of a prior treaty, and declares, that the subjects of his Britannick majesty and the citizens of the United States, and the Indians dwelling on either side of the boundary line between the two powers, "Shall re-

main at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, *according to the stipulations of the said third article of the treaty of amity, commerce and navigation:*" Thus recurring to, and resting upon the treaty of November 19th, 1794, which, as above observed, the the chevalier himself finally abandoned, as affording no cause of complaint, and without which the explanatory article itself would be a nullity.

TIMOTHY PICKERING.

Department of State, January 22, 1798.

DOCUMENTS.

No. 1.

The Proclamation of the Baron de Carondelet of the 31st of May, 1797.

THE government being informed by his majesty's ambassador to the United States of America, that an expedition assembled on the lakes was intended to attack the Illinois, has judged necessary, for the surety and tranquillity of Lower Louisiana, to suspend the evacuation of the posts of Natchez and the Walnut-hills, being the only posts that cover it; the possession of which will put the English in a situation to disturb and ravage the country, in case they render themselves masters of Upper Louisiana, with so much more facility, as by an article of the treaty concluded posteriorly with Great Britain, the United States acknowledge that the English may freely navigate and frequent the posts belonging to the said states, situated on the rivers in general, lakes, &c. being a manifest contradiction to the treaty concluded with Spain, which it appears to annul, because by this the United States acknowledge that no other nation can navigate upon the Mississippi without the consent of Spain.

Notwithstanding the legitimacy of these motives, the suspension has been represented to the Congress of the United States with all the necessary veracity, and intimated by our orders to the commissary of limits, as well

as to the commandant of the detachment of American troops now at Natchez. We are now informed that a detachment of the army of the United States cantoned on the Ohio, are on their way by Holstein towards Natchez, while the militia of Cumberland are intimated to hold themselves ready to march at the first notice.

These hostile dispositions can naturally only concern these provinces, because the United States are in peace with all the savages. The anterior menaces of the commissary of limits and the commandant of the detachment of Americans now at Natchez; the immediate rupture (and if the American gazettes are to be believed) already effected between France, our intimate ally, and the United States; engage us to be on our guard to defend our property with that valour and energy which the inhabitants of these provinces have manifested on all occasions; with the advantage and superiority which a knowledge of our local situation will procure, and with that confidence which right and justice inspires. If the Congress of the United States had no hostile intention against these provinces, they will either leave the post of Natchez, or the Walnut-hills, the only bulwarks of Lower Louisiana to stop the course of the British, or if that they give us security against the article of the treaty with Great Britain which exposes Lower Louisiana to be pillaged and destroyed down to the capital, we will then deliver up the said posts, and lay down our arms which they have forced us to take up, by arming their militia in time of peace, and sending a considerable body of troops by round-about ways to surprise us.

New Orleans, 31st May, 1797.

No. 2.

*Governour Gayoso de Lemos, to Andrew Ellicott, Esquire.
Natchez, June 13, 1797.*

SIR,—By repeated informations and by every appearance it seems past a doubt that a number of the inhabitants of this government, subjects of his majesty, are at present in a state of rebellion with the hostile design of attacking this fort.

I am informed that yesterday several of the said insurgents were riding through the country soliciting subscribers to a list that already contained the names of several persons who declared themselves citizens of the United States of America, though they are actually under oath of allegiance to his majesty, and under whose dominion and protection they have lived and enjoyed the benefits thereof, and the bearers of this list declare themselves commissioned by you for that purpose.

I cannot prevail upon myself to believe that you have either authorized or encouraged such proceedings, as a conduct of that nature would unavoidably produce the most disagreeable and fatal misunderstanding between our nations, and the total destruction of this district.

Therefore I request you to give me such a positive answer as will enable me to inform the commander general of this province for the intelligence of his majesty, of the part you take in these transactions; and should you take such an active part as it is represented you do, from this moment I protest in the name of the said commander general against such conduct, and make you answerable for the fatal consequences that may ensue. I repeat the request of a positive answer on this subject.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

Hon. Andrew Ellicott.

No. 3.

*Andrew Ellicott, Esquire, to Governour Gayoso de Lemos.
Natchez, June 13, 1797.*

SIR,—In order to answer your letter of this day that (from the spirit of it) denies the existence of that principle which has been the object of a long train of discussion between us, I must refer to your letter dated the 12th of March last. In that letter you admit not only that Daniel Clarke's will be about the point of demarcation, but that the commissioner of his catholick majesty would in all probability meet me at that place. As the treaty itself was a fact notorious, so likewise ought to be all the transactions attending it either in direct performance or open violation. The people therefore became acquainted

with those circumstances that were the result either of my observations, or the acquiescence of the Spanish government—They were matters that involved their felicity, and could not from duty or decency be withheld. If on the present occasion, the people have thought proper to act in conformity to the intelligence received, which intelligence had the combined sanctions of the agents of both governments for its support—is my agency to be ascribed, or my conduct to be called to account with regard to the effects? A little inquiry into the human heart, would have enabled you, sir, to have discovered a more powerful cause than any operation of mine on the present occasion. The people considered themselves citizens of the United States—they had a right to consider themselves so—and they have lately come forward individually to express their wishes and intentions.

After this short detail of what is the real cause of the present disturbance, I might flatter myself with a complete acquittal on your part, did not the first paragraph of your last letter compel me to form a different conclusion. On what principle do you still retain the idea, that the citizens of this country are subjects of his catholic majesty? Is there not a compact deliberately entered into by the two nations to the contrary of your opinion? Have not you acknowledged me to be the agent of the United States to carry that compact into effect? And have you not repeatedly pledged your word to co-operate with me in that desirable object? Here I might with propriety ask what human assurances could have gone further than those that have been made on your part? Do all solemn obligations between nations depend upon chance, or caprice, or is there such a principle universally acknowledged among different nations as the law of nature and nations? If your excellency admits that there is such a principle as national law, I assert that the inhabitants of this country cannot be considered as any wise subjects of the Spanish monarchy. If you deny the existence of the principle, I have only to observe that the people cannot with propriety be censured for recurring to that conduct, which will ultimately secure their felicity.

I have thus far proceeded by way of argument in answer to your communication, from the whole of which you will readily infer a very natural conclusion, that the delay on

your part, in carrying the late treaty into effect, added to the invariable nature of the human heart, have produced the evils of which you complain.

But since you demand a positive reply to the general question, whether I am concerned in measures destructive of his catholick majesty's interest, or in an attempt to attack the fort—I give you my honour that I am not: you have assisted me in confirming the sentiment that this territory belongs to the United States—and I do now therefore on the part of the said United States, as their agent, most solemnly and pointedly, protest against the landing of any troops, or the reparation of any fortifications in this territory above the 31st. degree of north latitude, as I shall consider all such conduct as a violation of the treaty, and an immediate attack, upon the honour and dignity of my country.

I shall now finally observe, that from your verbal message by your adjutant, major Minor, I expected that your excellency would have proposed some scheme of accommodation that would have been consistent with the justice, and sentiment, of the countries we have the honour to serve.

Should you have any proposals to make for an accommodation, I assure you that I feel every wish to enter into a discussion for that purpose.

I am, &c.

A. ELLICOTT.

No. 4.

STATEMENT of the principles on which I find myself disposed, according to my duty, to put in practice for the tranquillity of the country.

1st. That all the people in general now collected or are collecting in bodies, shall disperse and return to their farms and continue peaceably their domestick business.

2d. That by so doing it is warranted to them that they shall not be prosecuted for the present disturbance.

3d. That as an explanation, to banish some doubtful apprehensions that perhaps has given rise to the present disturbance, I assure the publick there are no preparations

against them ; that the detachment of troops coming up the river is not intended for this place, and are to proceed to their destination ; nor have I ordered any troops from Nogales to reinforce me.

4th. That no Indians have been called, that no roads have been or shall be stopped.

5th. That there is no war declared between his catholic majesty and the United States ; on the contrary it is the intention of his majesty to continue the best harmony between the two nations, in consequence thereof I have not the least idea of acting in a hostile manner against any force or persons belonging to the United States, and whilst this good intelligence subsists between the two nations, no alteration shall be made on these principles ; on the contrary, I shall employ my greatest exertions to make every resident of this government as happy as possible, further I declare that they shall not be embodied as militia, but against an invasion of this country ; and if military bodies shall be wanted out of this district, they shall only be formed by volunteers.

MANUEL GAYOSO DE LEMOS.

Natchez, June 14, 1797.

No. 5.

Don Manuel Gayoso de Lemos, Brigadier in the Royal Armies, Governour Military and Political of Natchez and its Dependencies, &c. &c. &c.

WHEREAS the confusion in which the country is at present involved threatens the entire destruction of its inhabitants ; it is our duty to employ every means to save them from certain ruin, which will be inevitable if they do not listen to the salutary advice which the voice of humanity dictates to our constant attention to the welfare of every individual of this government ; lenity in its greatest extent accompanies the obedience that is required, and general forgiveness will be the fruit of a candid repentance, and the exact compliance with the following conditions.

From the day after the publication of the present proclamation, all persons collected in bodies, or are collecting for any purpose not sanctioned by us, will immediately

disperse, and every individual retire to the place of his residence, attend to his farm, or other occupation, in a peaceable manner, and consider himself in the same light as before the present disturbance, never to assemble again upon the same principles as the present, nor consider themselves as bound to do it, when called upon similar purposes, whilst under the government and laws of his majesty.

Any person who from attachment to the government and laws of his majesty, and with a view to prevent the impending calamity, should have assembled in bodies, are likewise to disperse.

No person shall ever be upbraided on account of his differing in opinion with any other, which, when not carried to excess, is allowed to every man; when it is not injurious to the government, and consequently to the community in general.

By so complying a general forgiveness is warranted to every person who has been concerned in the present disturbance, and no inquiry shall be made for their names.

It has been represented to us that the present commotion has partly arisen from the following apprehensions.

That a war might be actually declared between his majesty and the United States of America.

That forces were accumulating here to treat with rigour those inhabitants who have manifested a partiality for the government of the United States, and that Indians had been called upon for their assistance.

That the roads and water communications were stopped; and that the inhabitants were to be compelled to embody into military corps.

To banish these unfounded apprehensions and finally tranquillize the minds of the people, we do hereby assure them that no war exists between his majesty and the United States; but on the contrary the most friendly intercourse is recommended to both nations. No forces are accumulating here, and those for Nogales* are for the sole purpose of opposing an actual enemy. No Indians have been called. No interruptions have or shall be put to land or water communications; and under the present situation of this country, no corps of militia shall be

* The Walnut-hills.

formed; but if any should be wanted, out of the district, volunteers only shall be called for, except in case of an invasion, either by water or by land within the extent of this government; in which case natural defence and general safety admits of no exceptions.

The alcaldes in each district, or persons commissioned for the purpose of promulging this proclamation are hereby ordered to make it publick with all possible expedition, that it may produce the desirable good effect.

Given under my hand and the seal of my arms, and countersigned by the secretary of this government.

MANUEL GAYOSO DE LEMOS.

Natchez, June 14, 1797.

J. VIDAL.

No. 6.

Don Manuel Gayoso De Lemos, Brigadier General in the Royal Armies, Governour Military and Political of Natchez and its Dependencies, &c. Natchez, June 22, 1797.

SIR,—The following propositions being unanimously agreed to by us the underwritten (being a committee appointed by a very numerous and respectable meeting of the inhabitants of this district) and A. Ellicott, citizen and commissioner of the United States, and P. S. Pope, commanding the United States troops on the Mississippi, are submitted to your excellency with a request that you may accede to and transmit a copy of the same to the Baron de Carondelet, and obtain his concurrence in order to restore tranquillity to this district.

1st. The inhabitants of the district of Natchez, who under the belief and persuasion that they were citizens of the United States, agreeable to the late treaty, have assembled and embodied themselves, are not to be prosecuted or injured for their conduct on that account, but to stand exonerated and acquitted.

2d. The inhabitants of the government aforesaid above the 31st degree of north latitude, are not to be embodied as militia, or called upon to aid in any military operation except in case of an Indian invasion, or for the suppression of riots during the present state of uncertainty. owing

to the late treaty between the United States and his catholic majesty not being fully carried into effect.

3d. The laws of Spain in the above district shall be continued, and on all occasions be executed with mildness and moderation, nor shall any of the inhabitants be transported as prisoners out of this government on any pretext whatever, and notwithstanding the operation of the law aforesaid is hereby admitted, yet the inhabitants shall be considered to be in an actual state of neutrality during the continuance of their uncertainty, as mentioned in the second proposition.

4th. The committee aforesaid do engage to recommend it to our constituents, and to the utmost of our power endeavour to preserve the peace and promote the due execution of justice.

We are your most obedient and humble servants,

A. HUTCHINS,
BERNARD LINTOT,
ISAAC GUILLARD,
CATO WEST,
WILLIAM RATLIFF,
GABRIEL BONOIST,
JOSEPH BERNARD.

Don Manuel Gayoso de Lemos, Brigadier General in the Royal Armies of Spain, Governour Military and Political of Natchez and its Dependencies, &c.

I do hereby accede to the four foregoing propositions established and agreed upon for the purpose of re-establishing the peace and tranquillity of this country; and that it may be constant and notorious I sign the present under the seal of my arms, and countersigned by the secretary of this government.

At Government House, Natchez,

June 22, 1797.

MANUEL GAYOSO DE LEMOS.

By his Excellency's command,

JH. VIDAL.

A true copy from the original.

D. GILLESPIE, Sec'y.

No. 7.

WE the underwritten do engage to co-operate with the committee appointed by a numerous and respectable meeting of the inhabitants of the district of Natchez, to preserve the peace and to obtain the due execution of justice, and do hereby approve of the propositions presented governour Gayoso by the said committee and acceded to by him.

A. ELLICOTT, Citizen and Commissioner of the United States.

P. S. Pope, commanding the United States troops on the Mississippi.

June 22, 1797.

No. 8.

Don Manuel Gayoso de Lemos, General in the Royal Armies, Governour Military and Political of Natchez and its Dependencies, &c. &c. &c. Natchez, June 22, 1797.

WHEREAS the threatening calamities to which the inhabitants of this district have been lately exposed, did awake the zeal of every individual and rouse them to seek the most efficacious means of re-establishing good order, and that tranquillity which for many days was lost; the good sense of a number of the inhabitants dictated to them the necessity of a convention, in which they chose persons of the most notorious probity and intelligence as a committee to co-operate with us towards the re-establishing of the publick peace and tranquillity; and the members of the said committee having met at Natchez, after due deliberations and consultations, stated and presented us the following propositions, in the terms and form here expressed, to wit. [Then follow the propositions No. 6.]

Being always desirous of promoting the publick good, we do join in the same sentiment with the committee, by acceding to their propositions in a manner following [see the propositions No. 6.]

MANUEL GAYOSO DE LEMOS.

JOSEPH VIDAL, Secretary.

No. 9.

SIR,—The many proofs that the committee has of your desire to contribute to the welfare of this country, encourage it to request of you the service mentioned in our first resolve of yesterday, of which it encloses you a copy.

I have the honour to be, sir, &c.

JOSEPH BERNARD, Chairman.

Committee Room, Sept. 14, 1797.

The Hon. Andrew Ellicott, Esq. Commissioner of }
the U. S. for running the Boundary Line, &c. }

RESOLVED, 1. That the 5th resolve of the 29th ultimo be rescinded, and that Mr. Ellicott whose inclination for the interest and happiness of this country we have a convincing proof of in his former communications to the general government, published since and now in our hands, and who, from his residence for several months amongst us is well acquainted with the circumstances of this country, be requested to represent our present situation to his excellency the President of the United States, and likewise all the measures which he shall deem to be conducive to the future welfare of this country in the event of the late treaty between his catholick majesty and the United States being carried fully into effect.

True copy.

G. BENOIST, Secretary.

No. 10.

Don Stephen Minor, Captain in the Royal Armies, Aid, Major and Governour, pro tem. of the Natchez and its Dependencies, &c.

I do certify that colonel Peter Bryan Bruin, Daniel Clark, Joseph Bernard, Frederick Kimball, Gabriel Benoist, Isaac Gaillard, Philander Smith, Roger Dixon and William Ratliff, Esquires, members of the permanent committee, duly elected by the people at large, under the sanction of government, are the true and sole representatives of the inhabitants of this government, and that faith is due to their proceedings as such, as also to the repre-

sentations they may make in behalf of the publick in all cases.

In testimony whereof I have hereunto set my hand and affixed my seal, at government house, Natchez, [L.S.] this 16th day of September, one thousand seven hundred and ninety-seven.

STEPHEN MINOR.

I do certify that the above is a true copy of a certificate obtained from governour Minor, by the committee, and lodged among their files.

D. GILLESPIE, Secretary to the
American Commissioner and per-
manent Committee.

No. 11.

Stephen Minor, Esq. Captain in the Royal Armies, and Governour of the Natchez for the time being. August 16. 1797.

It being the undeniable and unalienable right of free-men, to assemble in an orderly and peaceable manner for the purpose of consulting and deliberating on their mutual interest, no opposition shall be made by the officers of his catholick majesty to any assembly, whether partial or general, of the inhabitants residing in this district, if conducted upon the principles of good order and decorum.

I do therefore hereby grant permisson for the assemblies or meetings required in this address, to take place on the day appointed and in manner recommended.

STEPHEN MINOR.

No. 12.

The Chevalier de Yrujo, Minister Plenipotentiary of his Catholick Majesty, &c. &c. to Timothy Pickering, Esq. Secretary of State.

SIR,—Your additional report to the President of the United States of the proceedings of the officers of the king of Spain, in relation to the post and the running of the

boundary line, which I find published in all the newspapers, obliges me to trouble you with this letter. If your discussion of facts had been as correct and impartial as there was reason to expect, I should not have been under the necessity of undertaking this task ; but the construction which you are pleased to put upon every act of the Spanish officers in general, and especially upon those in which I am personally concerned, compels me to observe upon several expressions, which I have noticed in your said report.

You begin, sir, with saying, " that although I had declared I had just reasons for suspecting an expedition from Canada was preparing by the British against the upper parts of Louisiana, yet I never had mentioned a single fact or reason on which my suspicion was founded."—In my letter of the 2d of March, I pointed out to you the probable route which the expedition would take, and in our conference of the 27th of February, I gave you information that a corps of three hundred and fifty men had been raised at Montreal, and marched towards the lakes, where, after the evacuation of the American forts, there was no ostensible object for them. I also told you that I knew that the British agents had treated with some of the Indian nations in that country, concerning the intended expedition, and I added, that I had received those advices from a person who might be depended on, who had seen those new levies passing through Johnstown, on their way to the westward. But, even supposing that I had not entered into any particulars, even supposing that my information at that period was not complete, yet did not the interest and dignity of this government—did not its friendly connection with Spain, require that it should have taken every proper means to prevent the attempt we were threatened with, by giving suitable orders to general Wilkinson, or to the commanding officers of the military force on those frontiers ? The absolute silence in this particular of the documents which accompany the report of the Secretary of War, your never having communicated to me any *determinate* disposition on this point, as you do in your answer to my letter, which in the publication is marked No. 7. afford me sufficient grounds to fear that these precautions were omitted. You add, sir, with a degree of candour difficult to be conceived, that from my not hav-

ing given to you detailed information respecting the expedition, and from the answer which you received on the 19th ultimo, from the *British minister*, you believed my suspicions to be groundless. Is it possible, that any one will candidly imagine, that if the English intended to violate the territory of the United States, in order to effect a *coup de main*, they would be as ingenuous in answering, as you were in asking their minister the question?

I shall not enter into all the observations which suggest themselves to my mind from your having communicated to Mr. Liston the contents of my letters. I expected that the American government would have watched his motions, and taken the means which I have already mentioned to prevent the success of a similar enterprise; but I never could have imagined that you would have given to the British minister a piece of advice, which might enable him to alter his plan, by letting him know that the former one was discovered. By the line of conduct which you have pursued in this business, I am convinced, that had I communicated to you more particular details respecting this transaction, you would, with the same good-natured frankness, have given information of them to Mr. Liston.

But, if you did believe that asking this question of the British envoy was the most efficacious means to prevent the violation of the neutrality of the United States, and the invasion of the Spanish territory, let me ask why you was so remiss in this measure, that although I had communicated this project to you verbally, on the 27th of February, and on the 2d of March, in writing, yet, in a matter obviously so urgent, you only wrote to the British envoy on the 28th of April, that is, *two months* afterwards?

I shall not quit this subject, without taking the liberty of making to you one observation which is intimately connected with it. By the date of the letter I have just mentioned, it evidently appears that I gave you advice of this intended expedition *on the second of March*, and that *three days before*, I had given you the same information verbally. I imagined from your known attention to business, and the importance of the subject, that you would have submitted it immediately to the consideration of the President of the United States. On the 9th of March, I had the honour of speaking to Mr. Adams, at his lodgings at Francis's hotel. and mentioned this subject as a matter that I supposed

him already fully informed of; and, it was with no small surprise I heard him say, that *he knew nothing about it*. I produced the map, which I had in my pocket-book, and he listened with great attention to all that I had to say to him. It was no doubt to this conference with Mr. Adams, that I was indebted to your answer of the 11th of the same month. I shall entirely abstain from putting any construction upon the reasons which induced you to omit making this communication to the President; but they must have been very *powerful* motives which could oblige you to remain so long silent on a matter of such importance.

You say, in the third paragraph of your report, that on your asking me what measures Spain had taken in order to carry into execution that part of the treaty which relates to the withdrawing the *garrisons*, I answered you on the 17th of April, that I had been for some months without receiving letters from the Baron, and consequently "was entirely ignorant of the steps which had been taken for the execution of the treaty."—From this expression, which, in order to draw attention, you place between inverted commas, you insinuate an inference which in my opinion is very far from being true, when you add, immediately afterwards: "*Nevertheless, he had previously informed the Baron of his suspicions of a projected expedition.*"—What is this to prove, sir? That the Baron indeed had received my letters, but not that I had received his. The irregularity and uncertainty of navigation easily shows that your logick on this point is extremely false.

In the fifth paragraph, after giving an account of my letter of the 24th ultimo, and of its object, you observe that I have omitted to mention, among the other complaints of the Baron that of Mr. Ellicott's not having given him notice of his arrival at Natchez.—Permit me, sir, to represent to you, that you have entirely mistaken what I had the honour of telling you on that occasion,—for I simply mentioned, not as a *complaint*, but as a mere *observation*, that the Baron, *in the rigour*, might not have considered Mr. Ellicott as an American commissioner, for not having given him on his arrival *official notice* of his appointment, having merely informed him of it in the way of a confidential communication. You cannot be ignorant, sir, that there are certain requisite formalities when nations treat with one another of their mutual concerns, which are not re-

quired between individuals. The Baron, when he speaks in this manner, clearly points out his meaning, that, besides the confidential letter, the communication of which *you consider as so important*, no doubt he expected another *official* one, including his commission, authority, or some document, to ascertain the identity of the person, and the object of his mission. When, on my arrival in this country, I had not yet presented my credentials to the President, although I had delivered to you a copy of them, you might, in the rigour, not have recognised me as the envoy extraordinary of the king my master, for want of having complied with that necessary requisite of the established etiquette. I do not mean to say that in the present case it was absolutely necessary to go through a similiar formality; nor did the Baron mention this but as a mere *matter of observation*, which was not to affect the object in question, although you, thinking that it affords you a victorious argument, are pleased to give to this circumstance an importance which it does not deserve. Besides, sir, I might observe to you, that when, after a mixed and desultory conversation upon various subjects, I had collected and methodized my ideas, and committed them to writing, your answer and observations ought to have been confined to the written communication, clothed with all the necessary formalities; but neither do I wish to make of this an object of discussion.

The proof which you give in the sixth paragraph of your report, to show that it is not certain that Mr. Ellicott intended to get possession of Natchez by surprise, and that for that purpose he had endeavoured to gain over the inhabitants, is merely negative. From your examination of the two persons you mention, you had very little to expect: the circumstance alone of their being the bearers of Mr. Ellicott's despatches, points out that they were both in his confidence; and it may be presumed without temerity, that being his friends, or employed under his orders, they would hardly make a denunciation that might be prejudicial to him. Governour Gayoso declares that he has proofs of the fact in his power. I shall not fail to apply to him for them, and perhaps I may one day speak to you more positively on this business.

After having discussed the history of these transactions with all the force and accuracy which result from these

observations, you assure with a very ill grounded confidence, that upon a view of the whole it appears that his majesty's governours on the Mississippi, have, on various pretences, postponed the running of the boundary line and the evacuation of the posts. But I appeal to that candour which you have so generously shown to the British minister, that you may tell me, whether it can be called a *pretence*, that the Baron de Carondelet, who was entrusted with the safety of Louisiana, refused to carry into execution a pretension *that was not stipulated for by the treaty*? By the second article it is only agreed that the *garrisons* shall be withdrawn; and as I had the honour of representing to you in my letter of the 24th ultimo, it is not to be presumed that it could ever have been the intention of his catholick majesty to deliver up fortifications, which, besides that they have cost him considerable sums of money, may by the effect of political vicissitudes, be one day prejudicial to his subjects. If not to do *what was not stipulated for*, and the execution of which would be contrary to the interests of Spain, is a *pretence*, we must confess that it is a very plausible one.

With respect to the line of demarcation, it appears by the correspondence and letters of the Baron de Carondelet, which are in my possession, that although he entertained the same doubts which were suggested by governor Gayoso respecting the posts, yet he was consenting, that the astronomical observations should be begun upon, for which purpose the engineer Mr. de Guillemand had already arrived at the Natchez, with all the instruments and apparatus. Such was the situation of things when my communications respecting the intended expedition got to hand; from that moment imperious necessity, and the great principle of self-defence, made his catholick majesty's officers turn their thoughts to objects of a more urgent nature. Mr. Blount's letter, and the late detected conspiracy, evince how far their conduct in this respect was necessary; and you, sir, possessed as you were, of all the facts, when you laid the facts before the President, ought to have been one of the last to have stigmatized the motives with the epithet of *pretexts*. So palpable an attempt to make groundless and unfair impressions on the publick mind, is well calculated to defeat its own ends, and appear still more extraordinary when we consider

that the American government is in every way anxious, by its own confession, to maintain peace and harmony with Spain.

Nor do your ill-founded insinuations stop here: sentiments and expressions still more violent, flow from that same hasty pen. You say in another part, *that there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his catholick majesty, to prepare them for a rupture with the United States.* Fortunately, sir, you have told us the source whence you derived all those dreadful conjectures of yours; otherwise, perhaps, the weight and authority which your high official character stamps upon whatever you write or say, might make an undue impression on the publick. You acknowledge, sir, it was a private letter of Mr. Sargent's (secretary of the North Western Territory) that gave rise to your surmises: we shall now see what the letter says.

Extract of a Letter from Winthrop Sargent, Esq. Secretary of the North Western Territory, to the Secretary of State, dated Cincinnati, June 3, 1797.

“General Wilkinson sending off an express, I seize the occasion to transcribe for you some paragraphs from a western letter.

“The Spaniards are reinforcing their upper posts on the Mississippi considerably. General Howard, an Irishman, in quality of commander in chief, with upwards of three hundred men, is arrived at St. Louis, and employed in erecting very formidable works. It likewise appears through various channels, that they are inviting a great number of Indians of the territory to cross the Mississippi; and for this express purpose, Mr. Lorrómie, an officer in the pay of the crown, made a tour through all this country last fall, since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expenses.

“A large party of Delawares passed down on White River about the 6th of May, on their way to the Spanish side, bearing the national flag of Spain, some of them from Saint Louis.

“They (the Spaniards) have above the mouth of the Ohio, on the Mississippi, several row-galleys with cannon.”

Now, sir, what inference can be drawn from that letter? Why, that the Spaniards have fortified San Luis, and availed themselves of every means of defence that the country afforded! But let me ask you, sir, against whom it is that they were thus preparing to defend themselves? Surely the documents which you have laid before the President, and the momentous business which now engages the attention of Congress, and agitates the publick at large, afford a complete and satisfactory answer.

I mentioned to you, in my letter of 2d March, that the object of the British was to attack Upper Louisiana, and take San Luis and New Madrid by surprise. It will not be questioned but that prudence required of us, at that juncture, to fortify the threatened points. This, sir, was all we did; and this, sir, you knew many months past; yet Mr. Sargent's letter, which in substance says no more, fills you all at once with fears and self-created apprehensions, and makes you declare in the face of the American people, “that the Spanish officers are exciting the Indians to a rupture with us.” No one will say, that preparations for our self-defence were not necessary on our part. The assurance given you by the British minister, with all the appearance of a confidential communication, *but without any signature*, did not inspire the servants of his catholick majesty with the same blind confidence which it produced in you. We know from daily experience how religiously the British nation observes the rights of neutrality. Witness the American sailors! Witness the republick of Genoa, in whose port they attacked and made prize of the French frigate *La Modeste*, as she lay at anchor there. Witness the inhabitants of Trinidad, when the British, though then in amity with them, entered their capital, with drums beating and colours flying, in pursuit of a few French, who had taken refuge there. These and other instances of the sort, too numerous to be recapitulated, make us less credulous on the score of Great Britain's respect for the rights of neutrality than you appear to have been.

As to those tender considerations which actuated the British minister to reject the plan on account of the inhumanity of calling in the aid of the Indians, I did expect that such vague, unauthenticated declarations, would have been appreciated as they deserved by you, sir, who fought in the glorious cause of American Independence, who witnessed the humanity of their conduct in the course of that war, and who cannot be ignorant of what has happened since.

Your ascribing hostile views to the preparations for our self-defence, cannot, sir, have been matter of much surprise to me, after having heard a certain member of Congress, who is known to be the organ of the will of administration, declare in that house that he ascribed to the same motives the preparations we were making for the defence of Florida, though probably he was not ignorant, at the very time, of their real object. Thus then, sir, according to your mode of reasoning, and that of the gentleman I have just alluded to, though we were certain of being attacked, and though we were not certain that the American government had taken the proper measures for protecting its neutrality, yet we were to adopt no measures for our defence, but tamely suffer his majesty's forts and possessions to be taken, and all this for fear of creating ill-founded suspicions in your minds!

If you have not been very successful, sir, in the solidity of your reasonings, you appear not to be more so in the method of following them. After having denounced us to the whole American nation as stirring up the Indians against the United States, and *preparing them for a rupture*, you fall into the most glaring inconsistency in the following paragraph:—*Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens, it may be difficult to say; but that one or more of those citizens have proposed and taken measures to detach the southern Indians from the interests of the United States, and to destroy the influence of the publick agents over those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain.*

I again appeal here, sir, to your generous candour. How is it possible to reconcile such evident contradictions? On the one hand the Spanish officers are those

who excite the southern Indians against the United States, and on the other you quickly follow, presuming, with sufficient foundation in my opinion, that it may be some citizens of the United States. But although you might entertain any doubts yourself on the subject, which I am sure no person in America will after reading Mr. Blount's letter, did not this very same doubtful case and uncertainty, require in your situation more circumspect language? And if even in this case you appear to have gone beyond what sound policy, the tranquillity and interest of the United States required, how much more unjust are your insinuations against Spain, when the publick possess, in Mr. Blount's letter, a document by which they can see, that if the manœuvres with the Indians were not favourable to the United States, they were precisely combined to attack the Spaniards? From this method of reasoning of yours, it appears as if the Spaniards were, jointly with Mr. Blount, stirring up the Indians to attack themselves.

Respecting the last article of your report, I have only to observe, that although you have constantly assured me that government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shown that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts that the expedition was to have taken place.

After having followed you step by step through the various points of your report to the President, I shall make a short compendium of such as arise from this letter; from which it results,

1. That on the 27th of February, I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this government.

2. That although to this verbal communication, I added another in writing on the 2d of March, the President had not the least knowledge of it on the 9th of the same month, and that without doubt you must have had very powerful motives to prevent you from communicating it to him.

3. That it does not appear by the documents presented by the Secretary of War, that government had given

orders to the military commanders to cause the territory and neutrality of the United States to be respected.

4. That you made to the English minister, a communication, which in my opinion you ought not, and that even if you thought it necessary you delayed doing it for two months, that is, from the 27th of February to the 28th of April, although it respected a most urgent and important object.

5. That the Baron de Carondelet could very well have received my letter, without its necessarily following that his had come to hand.

6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms.

7. That the proofs you allege to exculpate Mr. Ellicott, respecting his intentions of taking the fort of Natchez by surprise, are purely negative.

8. That it is not merely *pretences*, but very powerful reasons, which have impeded the evacuation of the posts, and the running of the boundary line.

9. That the insinuations with which you are willing to persuade the American people that our arming is directed against them, are unjust as well as unfounded, as by Mr. Blount's letter it is clearly demonstrated to be a precaution for the mere purpose of defence.

10. That you evidently contradict yourself, when on one hand you are pleased to attribute to us the movements of the Indians, and in the very next paragraph you show it might proceed from American citizens, as it actually does according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very same British minister, in whose private notes, *without signature, and perhaps not of his own hand writing*, you place such implicit confidence.

11. That although in all your official communications, you have always manifested to me that the American government knew of nothing which indicated any foundation for my suspicions, Mr. Blount's letter clearly proves that I was perfectly in the right.

I have thus fulfilled a very disagreeable duty. Always desirous to contribute to strengthen the bands of friendship which unite Spain and America, and to which their

situation, their wants and resources, invite them, I have seen with the most profound grief, that the language and tenour of your communication to the President, is not, in my opinion, calculated to promote so desirable an object to us all. For my part, although I shall leave nothing undone, to cement the union and harmony with a nation which I respect; neither shall I ever suffer the interests of the king, my master, in any case whatever, to be sacrificed to an unjust partiality.

I pray God to preserve you many years.

Your most obedient humble servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, July 11, 1797.

No. 13.

Mr. Pickering, Secretary of State, to the Chevalier de Yrujo, Envoy Extraordinary and Minister Plenipotentiary of his Catholick Majesty, to the United States of America. Department of State, Philadelphia, August 8, 1797.

SIR,—I duly received your letter of the 11th of the last month, to which my other engagements have till this time prevented an answer.

My additional report to the President of the United States, on the 3d of July, in relation to Spanish affairs has offended you, and is mentioned as the cause of your writing to me on the 11th. If, sir, I were now to make the just remarks and recriminations which your letter obviously suggests, I am afraid you would be still more offended. I am not sure, indeed, that I can possibly frame an answer that will escape your displeasure: but I shall endeavour that it be expressed not in a style indecorous, unusual, and unbecoming a diplomatic correspondence, while it contains a fair exposition of facts and arguments, in opposition to errors and actual misrepresentations.

In respect to your suspicions of an expedition preparing on the lakes by the British, for an attack upon Upper Louisiana, I have said that you never mentioned a single fact or reason on which your suspicions were founded. In contradiction to this assertion, you say that “In our conference, on the 27th of February, you gave me information that a corps of 350 men had been raised at Montreal

and marched towards the lakes, where, after the evacuation of the American posts, there was no ostensible object for them :”—“That you *knew* that the British agents had treated with some of the Indian nations in that country, concerning the intended expedition ; and that you added, that you had received those advices from a person who might be depended on, who had seen these new levies passing through Johnstown, on their way to the westward.” To this, sir, I answer, That I have not the slightest recollection that you mentioned either of these circumstances ;—that the Secretary of War happened to come into my office while we were conversing,—at which you expressed your satisfaction, and repeated your suspicions,—and he says you then mentioned no fact or reason as the ground thereof ; and that when I mentioned the subject to the President, certainly within ten or twelve days after this conference, I perfectly remember making to him this remark—That in your letter of March 2d, you said you had three days before declared to me the *just reasons* you had for suspecting that the English were preparing the expedition in question ; whereas you had offered me no reason at all. Hence I am obliged to conclude that you might have held such a conversation with some other person, and by mistake have applied it to me. The English raising 350 men—marching them through Johnstown—and tampering with the Indians to promote the expedition—were circumstances which appeared perfectly new to me when I received your letter of the 11th instant. I remember also, that the conference ended by your saying *you would write to me on the subject* ; which evidently implied that your written representation was to be the basis of any act of mine, or of the government. In that letter, sir, if you possessed any grounds for your suspicions, you ought to have stated them. For, contrary to the opinion you have now expressed, I have no hesitation in saying that the government of the United States was not bound to take notice of the vague and unsupported suspicions of any minister ; at least not to incur expense, by its military arrangements, to prevent an imaginary expedition, such as was the object of yours. When you made a formal statement of your suspicions, but without any fact to show that they were founded ; when the government of the United States possessed no other information nor the knowledge

of any circumstances indicative of the expedition; and when in itself it appeared destitute of even the shadow of probability; it was an act of complaisance to assure you that it "would be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue those measures which should appear proper and expedient for that end." What these measures should be, and when to be taken, the government itself would judge.

It was an act of still greater complaisance, when on the 21st of April you renewed the declaration of your suspicions, *but still without assigning any reasons*, for the government to resolve on, and to communicate to you, what you are pleased to allow to be a "determinate disposition on this point."

In the next sentence (as in many others) you misrepresent my expressions and misunderstand my meaning. I do not say, that "from your not having given me detailed information respecting the expedition, and from the answer which I received from the British minister on the 19th of June, I believed the expedition to be groundless:" But after remarking that you never mentioned a single fact or reason to support your suspicions—I say, "From *all the existing circumstances* I ever believed the suspicion to be groundless." If proofs had existed, you would have produced them: for although *intrigues* and *conspiracies* for the purpose of a military expedition may long be concealed; yet the *preparations* for an expedition (and such you suggested were making) must be visible to many; especially "on the lakes," were every movement for such a design would be unusual, and therefore attract the more attention; and satisfactory proofs of such preparations would have been attainable: but you produced none.

Another material circumstance I must notice—That troops of the United States were stationed at Niagara, on the Miami, at Detroit, and Michilimackinack; and consequently in situations well calculated to protect our territory, as well as to discover or get information of, any warlike preparations so considerable as such an expedition would require; and the officers commanding on those stations could not have failed to communicate such discoveries or information to the department of war: yet no such communications were made.

But it was also well known that they had not on the lakes a force adequate to the enterprise in question. I considered also the great difficulties that would attend the transportation of troops, equipage, provisions, cannon, and stores, by either of the routes suggested—if either could have been taken without violating the territory of the United States.

These were circumstances abundantly sufficient to discredit *naked suspicions*; and the declaration of Mr. Liston, in his note of the 19th of June, was mentioned only as confirming the justness of the opinion which I had at first formed in March, and which I continued to entertain of your suspicions. I might add, that at that early period, Mr. Liston assured me that he had no knowledge of such an expedition; and his inquiries of the governour general of Canada and the British secretary of state, have enabled him positively to assert, in the above note, that no such expedition was ever intended. And this fact repels your suggestions that I had been “remiss” in not doing for two months, what, on my own principles, was proper to have been done. But you think I ought not to have communicated your suspicions of this expedition to the British minister, although “his motions were to be watched.” You think, on the contrary, that the President should “have given suitable orders to general Wilkinson, or to the commanding officer of the military force on those frontiers;” but have kept a perfect silence towards the British—have let them complete their preparations (if any had been making) and collect their army on the lakes—have let them move forward, until they should enter upon the territory of the United States: and seeing the President could not know beforehand, whether they would prosecute their march by “*Fox River* and *Ouisconsin*, or the *Illinois*,” we may suppose your ideas of the “suitable orders” to the military to be—that at a great expense the troops of the United States should be drawn into that country and divided into corps, to be posted on those rivers, to have fought the British army, and thus have defeated the enterprise. Sir, this is not the only instance in which, after having desired the American government to do some act interesting to your own, you have then presumed to dictate how it should be done.

“ But (you say) you never could have imagined, that I would have given to the British minister a piece of advice, which might enable him to alter his plan, by letting him know that the former one was discovered.” And what, sir, was the plan of the British, to defeat which you desired the American government to interfere ? Why, according to your suspicions, it was *to march an army through the territory of the United States against Upper Louisiana*. If then the communication of your suspicions to Mr. Liston would induce him to “alter his plan”—it would by a *word* or a *letter*, instead of an *army*, defeat the expedition ; for it was not possible it should go forward *except through the territory of the United States* ; and consequently the communication, instead of disappointing, would have perfectly accomplished what you requested.

In your 5th paragraph, you are pleased to mention what you consider as another omission of duty, that although on the 2d of March you *wrote* your suspicions, and *three days before* you mentioned them verbally, yet on the 9th, I had not laid the matter before the President. I will take the trouble to show with how little reason you have made this remark. The second of March was the day next preceding the dissolution of Congress ; and at the close of a session the President is overwhelmed with business that cannot be postponed. On the third the then President’s term of office expired. On the 4th the inauguration of the succeeding President was celebrated. The 5th of March was Sunday. The five following days were not unoccupied ; and on the eleventh of March the answer to your letter of the 2d was given. And although you attach much importance to your suspicions, the details I have given prove that they were then destitute of probability,—that they were in fact unfounded ; and consequently of no importance ; that as such I then justly considered them ; and therefore needed no “very powerful” motives to remain silent *five days*.

I cannot but regret that my reasoning is so often not understood. When reciting my inquiry whether the posts occupied by the troops of Spain within the territory of the United States, had been evacuated, and your answer, that not having for some months heard from the Baron de Carondelet, you “were deprived of any information touching

the steps taken for the execution of the treaty," I put these last words between inverted commas, not as you say, "in order to draw attention"—but because they were an exact quotation from the translation of your letter. And when I added, in my report, "nevertheless he (the minister of his catholick majesty) had previously informed the Baron de Carondelet of his suspicions of a projected expedition from Canada;" it was not to prove either that the Baron had received your letters, or that you had received his: but as that very information was assigned by the Baron as a reason for still retaining and reinforcing the posts, the obvious conclusion was that you wrote and transmitted to him the information with that view: and hence, that instead of disclaiming all knowledge on the subject, candour should have induced you to answer me, That although you had not received any late letters from the Baron, and therefore you could not say what steps had actually been taken for the evacuation of the posts, yet that on account of the suspected expedition from the lakes, of which you had informed the Baron, you presumed (or you advised, and probably you did advise) that he would still hold possession of them "to cover Louisiana." This "logick," sir, I hope is intelligible; and at any rate, not "extremely false."

I cannot omit noticing your observations on the 5th paragraph of my report. If, as you were obliging enough to promise, you had favoured me with *copies* of the Baron de Carondelet's two letters (of which you undertook to give me an oral but literal translation) instead of their "substance," I might have been more correct in reciting his assertion—That Mr. Ellicott had not given him notice of his arrival at the Natchez as the commissioner of the United States for running the boundary line. Whether this was a *complaint*, or an "*observation*," as you choose to call it, every reader of your letter will see to be of no consequence. But whether the assertion was *founded* or *unfounded*, was material; seeing, in the same letter, Mr. Ellicott is charged with having "carried his zeal so far as to attempt to get possession of the fort of the Natchez by surprise;" and an assertion follows, that "gouverneur Gayoso says he has in his power documents which prove evidently the intention of this attempt." This accusation against Mr. Ellicott I considered as injurious, not to him

only but to the government ; for which in the character of commissioner he was appointed to act. If other circumstances induced me to doubt its correctness, the other complaint or " observation," which I knew to be unfounded, could not but increase my doubts. It was important, therefore, and my duty, to present them together to the President's notice. I have not " entirely mistaken" this matter. In my report to the President, I did not undertake to recite what you " mentioned," but what you *translated* from the Baron de Carondelet's letters : you *repeated* the charge in question ; and it was not till then that I handed you the copies of the Baron's and Mr. Ellicott's correspondence showing the repugnance of fact to assertion ; and it was then that you blushed ; as I had before been astonished. And your remark, afterwards, was what I have stated in my report, " That you supposed the Baron did not consider Mr. Ellicott's letter as official." You then made no distinction between a *complaint* and an " *observation*," nor used the phrase " in the rigour," nor any other qualifying words ; except those which are stated in my report.

Besides, the Baron had no right to expect any other evidence of Mr. Ellicott's appointment than his letter, until they should meet for the purpose of commencing the business of their appointments ; when of course they would mutually exhibit their commissions. And from the Baron's answer of the 1st of March, it is plain that he expected no other notice : for he therein recognises Mr. Ellicott as the commissioner of the United States.

In the last sentence of your paragraph on this subject you say, " That when after a mixed and desultory conversation upon various subjects, you had collected and methodised your ideas, and committed them to writing, my answer and observations ought to have been confined to the written communication." This observation, sir, is inaccurate.

It may, however, be applied to a former part of your letter. You say that in our conference on the 27th of February, you mentioned to me the raising of 350 men at Montreal—that your informer saw them pass through Johnstown—and that you knew the British agents had treated with some of the Indian nations concerning an expedition preparing on the lakes. But in your letter of the

2d of March, in which you were "to collect and methodise your ideas" on the subject of your suspicions, you do not introduce one of those suspicions: of course, on your own principles, I ought, if they ever had been mentioned, to have considered them as nullities.

In the 8th paragraph of your letter, you observe that my proof obtained from Mr. Ellicott's messengers, that he did not attempt to get possession of the Natchez fort by surprise, is merely negative. I offered it only as such. But the negative testimony of two men of good characters against a fact which they were likely to be acquainted with, if it existed, and whose existence other circumstances rendered improbable, and the assertion of which is mingled with assertions, by the same person, of other facts, of which some, or even one, is known to be unfounded, merits consideration. There is, however, further evidence applicable to this case. In the letter dated at the Natchez the 5th of May, from lieutenant Pope to governor Gayoso, you will see that the governor had made the like accusation against the lieutenant. "A gentleman had informed him (the governor) that the lieutenant intended to attack the garrison at that place." Lieutenant Pope, justly hurt by the groundless assertion, desires the informer may be named, and required to acquit himself of his assertion, or be punished as a false accuser. The governor answers the next day,—speaks of the information as communicated to lieutenant Pope in *familiar conversation*; and adds, that the informer was to be *despised*. Yet from the pointed manner in which lieutenant Pope made the demand, it is evident that the information was presented to him as a serious accusation. After this detail, will it not be conjectured, that the governor's "documents" respecting Mr. Ellicott's "attempt" are of a piece with his "familiar conversation" with lieutenant Pope concerning his "intended attack?"

In the 9th paragraph of your letter, you say that "after having discussed the history of these transactions, with all the force and accuracy which result from these observations, I assure, with a very ill-grounded confidence, that upon a view of the whole it appears, that his majesty's governours on the Mississippi have on various *pretences*, postponed the running of the boundary line and the evacuation of the posts." I must here also complain of misre-

presentation. I did not in my report draw my conclusions from the history of *these* transactions—that is, of the transactions which you have *previously* mentioned in your letter, and which I have already noticed in this answer: but “Upon a view of the whole correspondence then and before submitted to the President.” This correspondence I will now examine, to see whether the causes assigned by the Spanish governours, for postponing the running of the boundary line and evacuating the posts, merit the name of *reasons*, or of *pretences*.

Governour Gayoso being informed of Mr. Ellicott's descending the Mississippi, wrote to him on the 17th of February, desiring him to leave his escort at *Bayou Pierre*, 60 miles above the Natchez. Yet the treaty prescribed a military escort on each side to attend the commissioners in running the boundary line; and the *Natchez* as the place of their first meeting. The chief reason offered for this request was, that if the troops of the two nations were *brought together* “misunderstandings” might arise between them. Yet the treaty required their *coming together* to attend the commissioners when they were jointly running the boundary line.—And the only reason the governour assigned for not evacuating the posts, was “The want of vessels,” but which he expected would soon arrive.

On the 25th of February, governour Gayoso and Mr. Ellicott fixed on the 19th of March to proceed down the river to Clarkesville, near which it was supposed the boundary line would commence.

On the 9th of March, governour Gayoso informed Mr. Ellicott that the Baron de Carondelet could not attend the running of the line, in person, and that the whole business had devolved on him, the governour; but he feared he should not be ready by the 19th. And then he endeavoured to draw Mr. Ellicott from his proper station at the Natchez, by proposing a visit to the Baron at New Orleans.

March 12th, the governour again endeavoured to draw Mr. Ellicott from the Natchez, and recommended Loftus' Cliffs near Clarkesville, as the point of re-uniting: and by way of inducement, said the geometer and other officers to be employed on the boundary line would stop at Clarkesville.

On the 15th of March, the principal part of the artillery was taken out of the fort, and every appearance made of

a speedy evacuation : but on the 22d they were carried back to the fort, and immediately remounted. A similar movement took place at the latter end of April, after the arrival of lieutenant Pope and his troops at the Natchez. "The evacuation (says he) appeared to be going on with great life ; when all at once the military stores were ordered back, their troops busily engaged all night taking back and remounting the cannon." Here he very naturally expresses his surprise—"This kind of conduct (says he) appeared and still appears strange."

March 23d, the governour mentions that orders had been given by the general in chief of the province to demolish the post at the Walnut-hills—*because their treaty with the Indians required it* : but as he (Gayoso) had since been informed of their unsettled dispositions, he had sent counter orders, to prevent the fortifications being injured ; suggesting at the same time that the moving of the stores, &c. was suspended only until the arrival of the American troops to take possession of the post.

In this letter the governour informs Mr. Ellicott that lieutenant colonel Guillemard was far on his way up ; and, on his arrival, the running of the boundary line should begin. The governour adds this assurance "That there is nothing that can prevent the religious compliance with the treaty."

On the 28th and 29th of March, governour Gayoso issued two proclamations, both bearing date the 29th, taking new ground for retaining the post, viz. until the right of the inhabitants to the real property is ascertained. The governour is pleased to say that a negotiation was then carrying on between the king of Spain and the United States, to secure to the inhabitants of the Natchez the right to their real property : that that right could not be secured but by an additional article to the late treaty ; and that he should keep possession of the country until that article should be officially communicated to him ; *and until they were sure that the Indians would be pacifick*. This last reason particularly warrants my assertion—That the governours meant for an indefinite period to avoid an evacuation of the posts—for while a tribe of Indians existed in that quarter, the governours could not be *sure* that they would be pacifick. And as to their real property, seeing the great body of the inhabitants appear not to desire the

patronage of the Spanish government to secure it : As the government of the United States must be at least as anxious as that of Spain to protect the inhabitants in their rights, when become citizens of the United States : I believe there can be no difficulty in deciding whether this is a reason or a pretence. Besides, the negotiation mentioned by the governour *about the real property of the inhabitants*, has never existed ; nor even been proposed or hinted, either to or by the government of the United States. I hope, therefore, it will not be deemed harsh, or unbecoming in a letter of this kind, to say, that this motive for suspending the evacuation of the posts—that a negotiation was then on foot to secure the real property of the inhabitants—does not merit the title even of a *pretence*.

So soon as the governour discovered that his proclamations, instead of quieting the minds of the inhabitants, produced a contrary effect, he sent two gentlemen of the settlement to inform Mr. Ellicott that he, the governour, had received directions from the Baron de Carondelet to have the artillery and military stores expeditiously removed from the forts, which were to be given up to the troops of the United States immediately on their arrival. As this information did not remove suspicions, Mr. Ellicott wrote the governour on the 31st of March, stating divers circumstances which still kept those suspicions alive. The governour answered on the same day in direct contradiction to the information given by the gentlemen, his agents, to Mr. Ellicott, and confirming the declarations made in his proclamations. He added also a new motive for retaining the posts, viz. That the treaty left it doubtful whether, when the posts should be evacuated, the works were to be left standing, or to be demolished ; concerning which the governour general found himself obliged to consult his catholick majesty ; and had given the governour positive orders to suspend the evacuations of the posts until the matter should be amicably settled between the two governments.

On the 1st of May, another motive is assigned for retaining the posts—The envoy of his catholick majesty in the United States, had informed the governour general of an attack proposed against the Spanish part of Illinois (the upper part of Louisiana) by the British from Canada, and.

therefore, the posts at the Walnut-hills and the Natchez must be kept for the defence of Lower Louisiana.

This last motive is also offered as a reason why the running of the boundary line is postponed; as all their attention was drawn towards the defence of the province, against an invasion which, as I have already shown, was never contemplated.

To all these facts, I have to add the declaration of general Wilkinson, in his letter of June 2d, to the Secretary of War—"I have (says he) information through a confidential channel, that it was determined as early as *September last*, not to give up the posts on the Mississippi." If this information be correct, no other proof is necessary to show that all the reasons from time to time suggested for not evacuating the posts were mere *pretences*.

I have here brought into one view the most material facts relating to the question between us, which are scattered throughout the reports made by me to the President of the United States on the 10th of June and 3d of July, and by the Secretary of War on the 30th of June, and the documents accompanying them, as they have been published. And from this brief recital it evidently appears, as I have said in my report "That the governours of his catholick majesty, on the Mississippi, have, on various *pretences*, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States: and that after repeated overtures, promises, and appearances of commencing the execution of the treaty between the two nations, in both these respects, their conduct demonstrates, that for an indefinite period they meant to avoid doing either."

You controvert this conclusion only on one ground. You say that the treaty stipulated merely that the Spanish *garrisons* should be *withdrawn*, not that *fortifications* which might one day be prejudicial to the king's subjects, should be *delivered up*: and hence you infer that the necessity urged by the two governours of delaying to withdraw the garrisons until this question is decided between the two governments, is not a *pretence*, but a substantial reason. Here I must observe that the governours had already demolished the post at the Chickasaw bluff: and it appears in the foregoing recital that they were going to demolish

the post at the Walnut-hills : and the reason assigned is that the treaties with the Indians required the demolition : and governour Gayoso assigns but one motive for suspending that operation—that he had been informed of the unsettled disposition of the Indians ; yet afterwards this reason (that their treaties with the Indians required the demolition of the posts) is forgotten, and their destruction, or their delivery with all the fortifications and other works standing, is by the governours made to depend entirely on the issue of a negotiation between the governments of Spain and the United States ! Can any farther proof be wanting to justify me in calling this a *pretence* ? But you seem to rely on this your construction of the treaty relative to the posts : You have urged it in your letter to me of the 24th of June ; and therefore I will consider it.

The 2d article of the treaty having described the boundaries between the territories of the United States and Spain, thus proceeds—“ And it is agreed that if there should be any troops, garrisons or settlements of either party, in the territory of the other, according to the above mentioned boundaries, they shall be *withdrawn* from the said territories within the term of six months after the ratification of this treaty, or sooner if it be possible : and that they shall be permitted to take with them all the goods and effects which they possess.” But to justify your retention of the posts, you say that the demarcation of the boundary line should precede the withdrawing of the garrisons : yet *you* suppose it *probable*, and his catholick majesty’s governours *well know*, that the Chickasaw bluff—the Walnut-hills—and the Natchez are within the territory of the United States.

Governour Gayoso speaks of the boundary line as being near Clarkesville, a place many miles below the Natchez ; and he also knew the result of Mr. Ellicott’s astronomical observations on the spot, which ascertained the Natchez to be about thirty-nine miles north of the south boundary of the United States.

There being then not a shadow of doubt with respect to the position of these posts—that they are all within the territory of the United States, there was no necessity previously to run and mark the boundary line : which besides, if set about in good earnest, it would take at least a year to accomplish, through a wilderness of many hundred miles

in extent; and therefore it never could have been contemplated as necessary to precede the evacuation of the posts, which was to be effected in *six months, or sooner if possible*. Yet fifteen months have elapsed, and you still keep possession.

But you suggest that it is at least doubtful whether by the treaty it was intended to leave the fortifications standing, when the garrison should be withdrawn. You say, "It is not to be presumed that it could ever have been the intention of his catholick majesty to deliver up fortifications, which, besides that they had cost him considerable sums of money, may, by the effect of political vicissitudes, be one day prejudicial to his subjects." I feel much reluctance to attempt the refutation of a construction so obviously erroneous. It is probably the first time that to "withdraw" or *retire* from a place has been imagined to intend its *destruction*. If at the formation of the treaty the *demolition* of the posts had been intended; it would assuredly have been expressed. But doubtless the idea never occurred, until it was found convenient to make it a pretence for holding the posts. The phrases "to withdraw a garrison," *to evacuate a post or country*, have as determinate a meaning as any in the English language; and their meaning is ascertained by frequent use in treaties; and to *destroy* a country or a fortified place, from which it was stipulated to "withdraw" an army or a garrison, would be such an act of barbarism as ought never to take place among civilized nations. One of the latest treaties made by the United States (that with Great Britain) has the same phrase, "His majesty will *withdraw* all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This *evacuation* shall take place on or before the first day of June, 1796." And these expressions are used in the same treaty as equivalent to "the delivery of the said posts." The British treaty was in this manner accordingly carried into effect—the British troops were *withdrawn*, and the works *left standing*. The British officers were even careful not to expose the works to accidental destruction: for as the American troops did not reach the posts by the first of June, small British guards were left to preserve the works from injury until the American troops arrived.

By the treaty concluded at Versailles the 3d of September, 1783, between Great Britain and Spain, it was agreed, "That the king of Great Britain should cause East Florida *to be evacuated* three months after the ratification of that treaty, or sooner, if it could be done." The evacuation took place, but no demolition of fortifications.

In the preliminary articles of peace between England, France and Spain, signed the 3d of November, 1762, it was stipulated "That as soon as possible after the ratification of these preliminaries, France should *evacuate* Cleves, Wesel and Guelders, and generally all the countries belonging to the king of Prussia:" were *those places demolished*, or the *country laid waste*, when the troops withdrew? Or were there any subsequent negotiations to remove any doubts on the subject?

But I have dwelt too long on a point that really required no elucidation.

On this, as well as on another occasion, you have thought fit to upbraid me with showing to the British minister a degree of candour and confidence which you insinuate he does not deserve, and which, you seem to think, I have withheld from you. Yet, sir, all the declarations made to me by that minister, verbally and in writing, touching the points in controversy between you and me, have been verified. As I have already said, you declared to me that you had just reasons for suspecting that an expedition was preparing on the lakes by the English, in order to attack Upper Louisiana. The British minister, in the first instance, assured me that he had no knowledge of it—and his subsequent inquiries enabled him further to assure me that no such expedition had been or was intended by the British government. And I have in another place offered other reasons which confirm the truth of these assurances. Yet you tell me, that the assurance given me by the British minister, *but without any signature* did not inspire the servants of his catholick majesty with the same *blind confidence*, which it produced in me. I shall take no other notice of this remark, than to put you right in point of fact. The note of the British minister containing the assurance to which you refer, is *not* "without a signature:" This (like other official notes from that minister) has his signature—*his name written with his own hand*—at the head of it.

You declared to me “that you knew to a certainty that the English had made propositions to general Clarke, of Georgia, in order to avail themselves of his influence in that state, together with some other persons, for making a diversion, or serious attack against Florida.” The British minister informed me that although he knew nothing of general Clarke or his expedition from Georgia, a proposition had been made to him (the British minister) for an expedition against the Floridas: but that he told the projector, that he had no power to authorize it: and besides, that there were among other objections to the plan, two of great weight—one that the Indians were to be employed—the other, that it would violate the neutral rights of the United States. The British minister has since shown me an original letter from lord Grenville, dated the 8th of last April, in which he informs the minister, that if there were no other objections to the plan, the two mentioned by him, viz. that it could not be executed without employing the Indians—and without violating the rights of the United States, would be sufficient to induce the British government to reject it.—This proves, sir, that Mr. Liston’s declarations on this point were not “vague and unauthentic” as you pronounce them, but in strict conformity with truth.

As to general Clarke of Georgia, the British minister declared he had never even heard of him; and the extract of the letter from Mr. Jackson, the district attorney of Georgia, respecting general Clarke and any expedition forming there, in behalf of the *English* against the Floridas, will incline every candid inquirer at least to doubt whether such a project has ever been proposed to him. We shall afterwards see that Mr. Blount’s plot does not appear to have any connection with an expedition under general Clarke.

Thus you see, sir, that I have not *blindly* placed a confidence in the British minister: for aught that has yet appeared, he was entitled to the credit he has received.

I return to your letter. You mention your communications to the Baron de Carondelet respecting the intended expedition from Canada: from that moment, you say, imperious necessity, and the great principle of self defence, made his catholick majesty’s officers turn their thoughts to objects of a more urgent nature than running the boundary

line. And here you introduce "Mr. Blount's letter, and the late detected conspiracy, as evincing how far their conduct in this respect was necessary." It is wonderful, sir, that you should attempt to make it be believed that Mr. Blount's letter and the late detected conspiracy had any connection with the expedition which you suggested was preparing on the lakes of Canada against Upper Louisiana. All that is yet discovered of Mr. Blount's project or conspiracy, proves that it was to have been formed in one of the states *south of the river Ohio*; and that it was destined against the Floridas, and perhaps Lower Louisiana. I, therefore, feel myself, for this and the other reasons before exhibited, still warranted in considering the suspected Canada expedition among the *pretexts* for delaying to evacuate the posts, and to run the boundary line: and consequently that your charge, that I have in this instance "palpably attempted to make groundless and unfair impressions on the publick mind," is alike unfounded and unbecoming your publick character to suggest.

In your next paragraph you thus address me. "Nor do your ill founded insinuations stop here: sentiments and expressions still more violent, flow from that same hasty pen." This passage is in perfect correspondence with the general strain of your letter. Whether your charge is correctly made is now to be examined.

I am ready to confess that my report thus stigmatized was, from the pressure of business, written in haste: but a revision of it satisfies me, nevertheless, that it is not inaccurate in its statements.

You quote the passage in my report which has called forth this reproach; it is in these words—"That there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his catholick majesty, to prepare them for a rupture with the United States." And then you say that I mention the source of these "dreadful conjectures" to be, a private letter from Mr. Sargent, secretary of the North Western Territory. Here you are extremely incorrect; as usual when you undertake to recite my conclusions and the facts and circumstances upon which they are formed. It is from "a view of the whole correspondence" referred to in my reports

of the 10th of June and 3d of July.—On the intelligence received by the Secretary of War—and the private letter from colonel Sargent, that I drew the conclusion you have quoted.

Mr. Ellicott formed his suspicions on the spot, from what was passing before him ; and he is not a careless or undiscerning observer.

General Wilkinson says—“ Letters from all quarters announce the discontents and menacing aspect of the savages ; two white men have been recently murdered on the Ohio below the Cumberland ; and the savages beyond the Mississippi, and those who pass Massac, make no hesitation to avow their purpose for war.” And then he refers to a letter from colonel Hamtramck, who commands the United States troops at Detroit, in which the colonel says—“ I am pretty sure that both the French and Spaniards have emissaries among the Indians. I have it from *indubitable authority*, that a large *belt* [by which he meant a speech] from the *Spaniards* is now travelling through the different nations ;” meaning the nations within the territories of the United States.

Colonel Sargent writes, it is true, a *private letter* ; but it is to a publick officer ; and his situation as secretary, and governour for the time, of the North Western Territory, would render it his duty to be vigilant for its safety ; and his character vouches for the accuracy of his information ; and you do not question the truth of any part of his statement.

After mentioning that the Spaniards were reinforcing their upper posts on the Mississippi, that upwards of three hundred men had arrived at St. Louis and were erecting formidable works ; he adds—“ It likewise appears, through various channels, that they are inviting a great number of Indians of the territory (meaning of the United States north-west of the Ohio) to cross the Mississippi : And for this express purpose Mr. Loramie, an officer in the pay of the crown, made a tour through all this country last fall ; since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expenses.”—“ A large party of the Delawares passed down White River about the 6th of May, on their way to the Spanish side, bearing the national flag of Spain sent them from St. Louis.”

Lieutenant Pope, in his letter of May 9th to the Secretary of War, says—"There have been several attempts made to draw on the Indians upon my troops: I have fully ascertained this fact, and demanded of the governour to have a principal actor immediately brought to punishment, or sent out of the country. He has been sent for, and is now on board of one of the galleys which is now about descending the river."—And, sir, if you inquire, you will find that this "principal actor" (Rapelje by name) was one of governour Gayoso's agents.

These, sir, are the grounds on which I expressed the opinion, that there was but too much reason to believe Mr. Ellicott's suspicions well founded, that the officers of Spain had exercised an undue influence over the Indians to prepare them for a rupture with the United States.

This detail, sir, strikingly shows how little you have understood, and how entirely you have misrepresented my reasoning on this subject. I leave you to reconcile your reflections on the British minister and his nation for their inhumanity in employing the Indians in the American war, with your justification of the Spanish officers at this time, in securing the aid of the Indians in your war with the British. "The Spaniards (you say) have fortified St. Louis and availed themselves of EVERY MEANS OF DEFENCE *which the country afforded*;" meaning by the ingenious expression *every means of defence which the country afforded*, the employing of the Indians.

You are pleased next to charge me, in your customary style, with "falling into the most *glaring inconsistency*," because I remark that although, "it may be difficult to say whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens; yet it is certain that one or more of those citizens have proposed and taken measures to detach the southern Indians from the interests of the United States, and to destroy the influence of the publick agents over those nations, and thus to defeat the great objects of their appointment; the chief of which is to preserve peace."

Having quoted this passage from my report, you ask "how is it possible to reconcile such evident contradictions? On the one hand the Spanish officers are those who excite the southern Indians against the United States,

and on the other you quickly follow presuming, with sufficient foundation in my opinion, that it may be some citizens of the United States." Allow me, sir, to ask in my turn, how it was possible for you not to see that here there is no contradiction? Is it not very possible that the Spanish officers might be courting the Chickasaws, who live above the Natchez, with large presents, and be preparing the Choctaws, who dwell along the Natchez district, and the Delawares, Shawanese, Miamis, and other tribes dwelling in the territory north west of the Ohio, for war against the United States, while Mr. Blount and his agents were detaching the southern tribes of Cherokees and Creeks from the interests of the United States, and eventually to aid the British in an enterprise against the Floridas? The Cherokees and Creeks, you might have seen, were the only Indian nations mentioned in governor Blount's letter. And is it not very possible, if these two nations should thus be led to war against the Spanish possessions, that they might *not* be excited to *direct* hostilities against the United States? And, therefore, that although Mr. Blount might contemplate the former, he might abstain from the latter? And is not then my cautious manner of speaking of this latter, perfectly correct?

I am happy to arrive at your last observation. And I wish it was not, like the rest, exceptionable and incorrect. These are your words—"Respecting the last article of your report, I have only to observe, that although you have constantly assured me that government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shown that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts the expedition was to have taken place."

The expression that "you complied with your duty in not reposing on such assurances" may mean that you thought the assurances *deceitful*, and, therefore, not meriting belief. Perhaps you did not intend this. Perhaps you meant no more than that the government had been "remiss" in its duty, in not pursuing with eagerness the trains of your various suspicions. But I must show you

that here, as in all other instances, your criminations are void of foundation, in either point of view.

The last article of the report respects general Clarke of Georgia, to whom you said "you knew of a certainty that the English had made propositions, in order to avail themselves of his influence in that state, with some other persons, for making a diversion or serious attack against Florida:" and you add that "you do not doubt that in consequence of your information, the executive government will take the proper steps that *Georgia* also should not infringe the laws of neutrality." Here you confine your requests to *Georgia*, that she might not infringe the laws of neutrality: and my letter to Charles Jackson, esquire, the district attorney of that state, shows that the government took prompt measures to defeat the project of general Clarke and his associates, if such a project existed. I suppose none did exist: You acknowledge that the letter from Mr. Jackson coincides with my ideas. Your "certain knowledge" of an intended expedition in favour of the English from Georgia against Florida, under general Clarke, you have never supported by a shadow of evidence. If you possessed any evidence of the fact, it would be easy to produce it. What you call your "certain knowledge" could rest only on information, or the testimony of others, which might be as false or as vague and inconclusive, as the information about the Canada expedition; which I hope I have proved, to your conviction, never to have existed, even in idea. Yet you declared to me that you had "*just reasons* for suspecting that expedition was preparing on the lakes:" and hence how can I avoid concluding, that your "certain knowledge" in one case, like your "just reasons" in the other, were without a sufficient foundation.

But you say "the plot is discovered, and nobody any longer doubts that the expedition was to have taken place." Strange remark! Just the reverse of it should have been made. For although there is a discovery of Mr. Blount's plot, its extent is by no means ascertained: and far from nobody doubting, probably every body doubts whether the projected expedition was to have taken place. It was not to be undertaken but in conjunction with a British force—and on the proposal of the expedition to the British government it was totally re-

jected. Even Mr. Blount, who, if the project was adopted, *expected to be at the head of it*, ventures no farther than to say *he believed* that the plan would be *attempted*, but if attempted, that it would not be till the “fall:” and consequently your zeal in March and April, for which at the expense of decency towards the American government, you take to yourself so much credit, had then no just object. This zeal of yours is displayed in the information you gave to the Baron de Carondelet, in March or April, of the expedition supposed to be preparing in Canada against Upper Louisiana: yet you would now attempt to justify this zeal by the plot of Mr. Blount; although this plot and the Canada expedition were wholly distinct and unconnected.

I shall conclude this long letter with your eleven positions, which you state with as much serious formality as if they were all of them important, and all of them supported by facts or just reasoning: But the details I have given demonstrate that these positions are either unfounded, or simple propositions of not the smallest consequence.

These are your positions addressed to me in your own words.

“1st. That on the 27th of February I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this government.”

Answer. I have offered reasons to prove that you gave me *no particulars*, but only mentioned your *suspensions*, and that you promised to give me your representations in writing; for which, of course, it was proper for me to wait.

“2. That although to this verbal communication, I added another in writing on the second of March, the President had not the least knowledge of it on the ninth of the same month; and that without doubt you must have had very powerful motives to prevent you from communicating it to him.”

Answer. I have accounted for the delay in a satisfactory manner. I have shown that I had abundant reason to conclude your suspicions to be wholly unfounded, and for attaching no sort of consequence to them. The event demonstrates that I was right; and that instead of *very powerful* motives, none were needed for a delay of only

four or five days, or for a much longer period; and that to notice your naked suspicions at all was not an act of necessity, but of complaisance. I might with justice complain of *your* delay to answer my letter of the 16th of March, on a subject of very high importance to the United States, I mean the evacuation of the posts. I will not say that you were negligent—or “remiss”—but I will say that for a whole month you omitted to give me your short and unsatisfactory answer. The indisposition which you assign as the cause of the delay, did not prevent you from writing on other subjects—nor long from going abroad.

“3. That it does not appear by the documents presented by the Secretary of War, that government had given orders to the military commanders to cause the territory and neutrality of the United States to be respected.”

Answer. I have shown that none were necessary to be given.

“4. That you made to the English minister a communication which in my opinion you ought not, and that even if you thought it necessary, you delayed doing it for two months, that is from the 27th of February to the 28th of April, although it respected a most urgent and important object.”

Answer. On the 28th of April, I informed you by letter that I had communicated to the British minister your suspicions of an expedition preparing by the English against Upper Louisiana; and as for upwards of two months you expressed no dissatisfaction on account of this communication, I might well conclude you did not think it improper. Nay in your letter of July 11th, which I am now answering, you refer with apparent approbation to this very communication, connected with the declaration which accompanied it to the British minister, that the President could not consent to the march of any troops, either British or Spanish, through the territory of the United States; and you consider it as a “determinate disposition” of the American government on this point. I have also shown, that admitting this communication to Mr. Liston to be proper, I did not delay doing it for two months nor two weeks; although it respected at best but an *imaginary* project.

"5. That the Baron de Carondelet could very well have received my letters, without its necessarily following that his had come to hand."

Answer. I have shown that you did not understand my reasoning on this point; which went to prove that your answer of the 17th of April to my letter of the 16th of March, about the evacuation of the posts, was wanting in candour.

"6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms."

Answer. I have shown that whether the Baron's assertion should have been called a *complaint* or an *observation* was perfectly immaterial; I meant to show it was *unfounded*, and this you yourself admit.

"7. That the proofs you allege to exculpate Mr. Ellicott respecting his intentions of taking the fort of Natchez by surprise are purely negative."

Answer. I offered them only as negative proofs. Yet when one complaint or assertion against Mr. Ellicott was known and acknowledged not to be true, the *negative* testimony of gentlemen likely to be well informed, would be deemed sufficient to bring another, and in its nature very improbable, complaint or assertion of the same person, into discredit.

"8. That it is not merely *pretences*, but very powerful reasons which have impeded the evacuation of the posts, and the running of the boundary line."

Answer. The point of view in which I have now exhibited the conduct of the Spanish governours relative to the evacuation of the posts, and the running of the boundary line, I should suppose might convince you that the causes which they have offered for the delay, are mere *pretences*: the American citizens, to whom you have appealed, have been convinced only by reading the printed documents, without any comments.

"9. That the insinuations with which you are willing to persuade the American people that our arming is directed against them, are unjust as well as unfounded, as by Mr. Blount's letter it is clearly demonstrated to be a precaution for the mere purpose of defence."

Answer. The grounds of my suggestions, which you call "insinuations" are detailed in this letter, and embrace too many facts and circumstances to be abridged: permit me to desire you to review them. I shall only repeat, that nothing is more certain than that Mr. Blount's letter has not the remotest reference to the suspected Canada expedition; which is your only pretence for reinforcing the posts in Upper Louisiana—for calling the Indians to your aid—for holding the posts at the Natchez, and Walnut-hills—and for delaying to run the boundary line.

"10. That you evidently contradict yourself, when on one hand you are pleased to attribute to us the movements of the Indians, and in the very next paragraph you show it might proceed from American citizens, as it actually does, according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very same British minister, in whose private notes, *without signature, and perhaps not of his own hand writing*, you place such implicit confidence."

Answer. I have shown that there is not a shadow of contradiction in my observations on this subject; and your assertions to the contrary must proceed only from your not understanding them. You say that Mr. Blount acted in this matter with the knowledge and intelligence of the British minister. This is not likely to be true. It is in proof, by other evidence than the British minister's notes, that he did not and could not authorize the projected expedition against the Floridas—and particularly that one of his strong objections against it was, that it contemplated the employing of the Indians; although he thought it proper to submit the project to the consideration and decision of his government. Nobody therefore will believe that he authorized Mr. Blount, or was even privy to his measures, for preparing the Indians for war. Besides, doctor Romaine, who may be presumed to be well acquainted with Mr. Blount's plot, suggests that it is not the project offered to Mr. Liston by Chisholm. These are his words: "Mr. Blount is totally unknown to Mr. Liston, *and so are all his views*." And there is a passage in Mr. Blount's letter which countenances the doctor's assertion, and indicates, that although Chisholm and Blount had some communications with each other,

yet that their views were not precisely the same. Mr. Blount, in his letter to Carey, says, "Where captain Chisholm is, I do not know. I left him in Philadelphia, in March, and he frequently visited the minister and spoke upon the subject; but I believe he will go into the Creek nation by way of South Carolina or Georgia. He gave out he was going to England; *but I did not believe him.*" These last words afford a pretty strong proof that they were not acting wholly in concert. Probably Mr. Blount endeavoured to persuade Chisholm that he would co-operate in the prosecution of *his* scheme; while at the same time he might have another of his own or in concert with doctor Romaine, and stand ready in the event of things, to make his advantage of either; whichever should offer the best prospect of success: Doctor Romaine, you see, says that Mr. Blount is totally unknown to Mr. Liston: But it is well known that Mr. Blount was your frequent guest, and intimate companion; and that he was on this intimate footing with you during the whole time that you were representing to the government, your suspicions of British expeditions. Yet after the discovery of the conspiracy was made publick, you formally requested the American government to punish him for so scandalous a crime. But seeing that Mr. Blount was a citizen of the United States, and not a subject of Spain, it would have been decent in you to have left him with his own government without interposing your advice. But especially when you knew that the President had laid his letter before Congress; and the two Houses were deliberating on the modes of punishing him; when the investigation had proceeded so far that a committee of the Senate had reported a resolution to expel Mr. Blount from the Senate; and a committee of the House had reported a resolution that he should be impeached for high crimes and misdemeanors: For you then to interfere was singularly improper; and it was such an ostentatious display of zeal, as under all the known circumstances, suggests more than one interpretation.

"11. That although in all your official communications, you have always manifested to me that the American government knew of nothing which indicated any foundation for my suspicions, Mr. Blount's letter clearly proves that I was perfectly in the right."

Answer. This remark is perfectly inconsequential; for your communications exhibited your suspicions of projected expeditions only from Canada and Georgia: and I have shown that Mr. Blount's letter has no relation to either.

I thought I had reached the end of your criminations: but in your concluding paragraph you accuse me of an "unjust partiality," meaning, no doubt, towards the British minister and his nation. The details I have given in this letter, I trust will abundantly prove that this charge is as unfounded as it is indecent. Those details verify the representations of the conduct of certain Spanish officers which are given in my report of the 3d of July to the President. If the truth has excited any unpleasant sensations, those only are to blame whose injurious acts obliged me plainly to declare it. Instead of this task, I should have been happy to execute the grateful office of stating to the President the good faith and amicable manner in which the officers of his catholic majesty had executed the treaty of friendship, limits and navigation between our two nations.

You think also that my report to the President is *not calculated to strengthen the bonds of friendship which unite Spain and America*. Friendship, sir, cannot subsist without *mutual confidence*; and *confidence* springs from *sincerity*. But the proceedings of the Spanish officers, which are the subject of this correspondence, have shaken the confidence of the government and of the citizens of the United States; and my report to the President only exhibits a summary of those proceedings; or rather the plain and obvious conclusions from the authentick facts and circumstances detailed in the documents, then and before presented to his view. And I dare venture to say, that every independent American has from the same premises drawn the same conclusions.

Nothing, sir, will give truer satisfaction to the government and citizens of the United States than to see such a change in the proceedings of the Spanish officers as will restore confidence. The change would be easy, and the effect certain. *Let them withdraw their troops and garrisons from the territories of the United States. Let them commence and prosecute the running of the boundary line. Let them cease to stop, control or regulate the passage of our*

citizens on the Mississippi, seeing these have a right to navigate it with perfect freedom—And let them cease to send agents or emissaries among the Indians residing within the territories of the United States. When they shall do these things (and the good faith of his catholick majesty pledged in the treaty renders their doing them an indispensable duty) then we shall forget what is past; our confidence will return; and with it that beneficial intercourse and those friendly acts by which neighbours may promote each others interests, welfare and happiness. And for such a state of things, whatever you may have imagined to the contrary, no one more ardently wishes, and on its arrival, no one will more sincerely rejoice, than

Your obedient servant,

TIMOTHY PICKERING.

No. 14.

TRANSLATION.

SIR,—The day before yesterday, the 17th, your letter of the 8th instant was received at my house at Philadelphia, and yesterday, the 18th, it came to my hands at this city. I avail myself of the first opportunity to acknowledge the receipt of this your answer to my letter of the 11th of July last, and as the examination of its contents would lead us to an endless discussion, I confine myself to mention to you that when I had the honour of giving you the first notice relative to the projected expedition against Louisiana, with all the particulars referred to in my said letter, you were *alone* in your cabinet: that two days after I went to speak to you on another subject, and having there met the Secretary of War, Mr. M'Henry, I embraced the opportunity of speaking anew concerning it; and if then I spoke in general terms, it was doubtless to avoid the repetition of what I had communicated so shortly before. As it appears that you have forgotten this circumstance, it is not extraordinary that it should have escaped your memory in like manner with all the particulars of my first conference, mentioned in my above cited letter.

I offer myself to your disposition, and hope that God will preserve you many years.

Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

New York, 19th August, 1797.

Timothy Pickering, Esq. Secretary of State.

No. 15.

TRANSLATION.

SIR,—When the king my master appointed me his envoy extraordinary to the United States of America, immediately after having made with them a treaty the most liberal and generous,* I flattered myself, that the principal exercise of my functions would be to give and receive repeated proofs of the union and friendship so intimate by the bands of that treaty. Instead of those flattering expectations judge of my feelings on seeing them entirely vanished, and finding in that convention, which I trusted would for ever have united us, the origin of disagreement and contention unfortunately too well founded on our part.

I have before made known to you the just motives which had determined the Spanish commandants of Louisiana, to suspend in part the entire execution of the treaty, as no injury to the United States would flow from a short delay; and it might occasion great injury to the security of the possessions of the king to abandon certain posts, which under present circumstances would leave Louisiana open to the attacks of the English, and exposed to the effects of the evil intention of some citizens of the United States. I have also heretofore shown to you, that the American agents at the Natchez, far from contributing to preserve that union and harmony which is so suitable to the two nations, conducted themselves in a manner highly

* Although you only characterize as *just*, the stipulations of the treaty with Spain, I will take the liberty of observing, that, abstractedly from all the points which I touched in my letter of the 6th May, the Spanish sovereignty over the Natchez being in right of conquest at the period of the peace of 1763, if the United States obtained this possession by a voluntary convention, they owe it only to the *generosity* of Spain.

imprudent; and even that I had reason to believe that they intended to obtain possession of the fort by surprise. The last advices which I have received from those parts, and the documents I herewith transmit to you, appear to me to prove it in such manner, that I cannot but consider those suspicions as being very well founded.

For some time past the conduct in this respect of the commandant of the American troops, Mr. Piercy Smith Pope, and at first of Mr. Andrew Ellicott, has been irregular, provoking, and in some degree hostile. The commandant Don Manuel Gayoso had positive advice that in the camp of said Pope a great number of ladders were making, and that arms (*armas blancas*) were preparing, evincing by these preparations their determination to assault the fort. The firmness and vigilance of the governor Don Manuel Gayoso appears to have induced them to alter their intentions, and being well persuaded, that the forts of *Nogales* and the *Natchez* could not be taken either by force or surprise, they availed themselves of some profligate people to foment an insurrection, which it appears was to have taken effect on the 12th June, and which the prudence and preponderance of the wealthy inhabitants were alone capable effectually to stop.

The official letters of Mr. Piercy Smith Pope and Mr. Andrew Ellicott, numbered 3 and 4, and the documents 5 and 6, evidently show the part which both of them took in that popular commotion, however they may pretend to deny it: since assuredly nothing of this kind would have happened, if they had not assumed without any authority whatever to treat of and determine some points and discussions of a political nature foreign to their commission. with a publicity and arrogance calculated to compromit the two powers, explaining themselves without candour, and with intent to lead astray the populace on the principal point of the difficulty which had occasioned a wish on both sides for an explanation of the doubts which arose respecting the treaty.

If their conduct has been provoking and insulting, their language towards the Spanish government has not been less so. Mr. Andrew Ellicott in his letter of the 13th of June, to Don Manuel Gayoso, says, to *embrace the means which will finally assure to them their happiness cannot be censured*, (alluding to the change of the people of the

Natchez from the dominion of the king my master to that of the United States) this is clearly an indirect attack upon the Spanish government, as unjust as improper on the part of an agent of a friendly nation.

The document number 5, signed by Mr. Ellicott and Piercy Smith Pope, dated the 13th June, evidences, by the manner in which it is written, their intentions to deceive the publick. At that time and even since they neither had nor could have just ground for officially speaking of an approaching rupture between the United States and Spain; yet you will see, that they speak of it as a thing at hand and almost inevitable, relying only on the preparations for self-defence made in some forts on the banks of the Mississippi, and which they knew to be in consequence of the intended expedition of the English.

The whole tenour of their correspondence and particularly the document number 6 leaves no doubt that these agents have interfered in political matters utterly foreign to their commission, engaging themselves to *co-operate with the committee appointed to obtain the due execution of justice, and* APPROVING of the propositions presented to governour Gayoso.

The repeated declarations you have made to me, that the intention and desire of the United States are to preserve peace and a good understanding with Spain, leave me no room to doubt, that the scandalous and insulting conduct of Mr. Ellicott, at first, and finally of captain Piercy Smith Pope, is purely arbitrary, without any other guide than their passions and individual interests; and at the same time I can do no less than apply to you in the name of the king my master, in order that for such repeated insults there may be given to us due satisfaction as necessary to Spain as becoming for the United States.

God preserve you many years.

Your most obedient and humble servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, 9th October, 1797.

Timothy Pickering, Esq. Secretary of State.

The Documents referred to in the preceding Letter, are

- (No. 1.) Governour Gayoso's letter of June 13, to Mr. Ellicott. This is the same with the document No. 2, before inserted. [See page 365.]
- (No. 2. A.) Governour Gayoso's letter to lieutenant P. Pope, of June 13.
- (No. 3. A.) Lieutenant Pope's answer of the same date.
- (No. 4.) Mr. Ellicott's answer to governour Gayoso, of June 13.—This is the same as the document No. 3, before inserted. [See page 366.]
- (No. 5. A.) Advice from Mr. Ellicott and lieutenant Pope, to the people, to remain quiet.
- (No. 6.) Their approbation of the articles of pacification between governour Gayoso and the inhabitants.—This is the same as the preceding document No. 7. [See page 373.]

No. 2. A.

Governour Gayoso, to Captain Pope.

SIR,—From repeated information of which I am possessed, it appears certain (and the conduct of some of the inhabitants of this government equally manifest it) that a number of the subjects of his majesty meditate and intend to rise and hostilely attack the fort, unmindful of the oath of fidelity, which they have taken, and of the benign protection which the government has dispensed to them for many years, and declaring themselves, as it is said, citizens of the United States of America. It is also further asserted, that they do it by your instigation, and that they have in their possession a paper in which you give authority to them in their rebellious designs, and by which you promise them your protection and to furnish them the means of putting them into execution.

I cannot persuade myself that you would act in so unlawful a manner as to be the promoter and an active party in an insurrection which will inevitably terminate in a rupture between the two nations and the total ruin of this district and its inhabitants: wherefore I pray you to inform me positively whether such is, or is not, your intention, in order that I may notify it to the commandant general of

this province, that it may be communicated to his majesty. And if you persist in the same opinion, from this moment I protest solemnly in the name of my said commandant general, against a conduct so irregular, making you responsible for the fatal consequences, which may flow from it.

I repeat the request to you to give me a categorical answer on this subject, and I have the honour to be with consideration, sir, your most obedient servant,

MANUEL GAYOSO DE LEMOS.

Natchez, June 13, 1797.

No. 3. A.

Lieutenant Pope, to Governour Gayoso. Camp at the Natchez, June 13, 1797.

SIR,—I have received your letter of this date, in answer to which I must avail myself of anterior occurrences. Shortly after my arrival here, did you not positively give it to be understood, that you intended to evacuate this post, as being within the territory of the United States? In attending to your first correspondence, I presume you cannot impute to me the charge of inconsistency and impropriety. If your government feels the necessity of breaking its engagements, and if on this very account the people become irritated against it, as I have not been the first promoter of the deceit, so I am as little responsible for the event. I consider myself as the person appointed by my government to take possession of the post of the Natchez: you admitted it in the beginning, and I consequently have a right to sustain it. It is not surprising that the citizens of the United States have chosen me to defend their right. After reflecting maturely upon every part of the question, it is surprising, that you should yet consider the people of the Natchez as subjects of his catholick majesty. But you appear to me to request that I should give you positive answers to general questions.

Have you endeavoured to instigate the people of this country to act hostilely against the interests of his catholick majesty?

Have you stirred up the people to take the fort? Or have you moved or incited them to other hostile objects?

To each of these questions I answer positively, no: but as commandant of the troops of the United States at the lower posts, I must assure you, that the landing of any troops or the repairing of the fortifications of the territory in question, will be considered as an attack upon the dignity and the honour of my country, and I shall conceive myself bound by duty to act conformably to my present sentiments. I cannot nevertheless, as far as respects myself, omit informing you, that any agreement upon just principles will meet my approbation.

PIERCY SMITH POPE,

Commandant of the Troops of the United States
on the Mississippi.

Senor Don Manuel Gayoso de Lemos.

No. 5. A.

Copy of a Paper which was circulated.

WE the subscribers have no knowledge of our country being now at war; but from the hostile preparations, which the officers of H. C. M. are making in these parts we are induced to believe, that war is not very distant, and until the commencement of hostilities against the United States, those who consider themselves citizens thereof will respect all descriptions of persons and things.

ANDREW ELLICOTT, Commissioner
of the U. S.

PIERCY SMITH POPE, Commandant
of the Troops of the United States on
the Mississippi.

Natchez, 13th June, 1797.

No. 16.

TRANSLATION.

*From the Chevalier de Yrujo, to the Secretary of State.
Philadelphia, Nov. 21, 1797.*

SIR,—Although the answer which you gave to the letter I had the honour of writing to you on the 6th of May last, excited in me all the observations which I shall now present to you in this, wishing upon the whole, that the in-

terests of America would induce its administration to adopt the conciliatory mode which I proposed to you, that of giving to the American plenipotentiaries going to Paris, the necessary instructions for adjusting the differences with Spain, I at that time abstained from entering into a reply; which although well founded, might not perhaps contribute so much to the good intelligence between Spain and the United States, as the idea which I then suggested to you, and have just now mentioned. The lively desire which I have had and still have, not to see interrupted the harmony between these two nations, has caused me to view with regret after several weeks silence your disappointment in supposing that the reasons upon which your answer is founded were sufficient to convince his catholic majesty of the impartiality and good faith of the United States on this point. My suspicions have been verified, and your expectations are entirely frustrated by the late orders which I have just received from the king my master.

His catholic majesty has not observed in the said answer from you, any reason to induce him to change his opinion concerning the injuries resulting to his subjects from the stipulations of the English treaty, compared with those of the treaty with Spain, as well on the subject of the articles of contraband, as on the principle adopted in ours "that free ships should make free goods, &c."

But what has most astonished his majesty, and confirmed him in the justice of his pretensions, is what you have said in your answer with regard to the navigation of the Mississippi. I am ordered, therefore, on a review of the whole, to make to this government, through you, the following observations.

When the Secretary of State, Mr. Jefferson, on the 15th of May, 1793, wrote to Mr. Ternant, then the minister plenipotentiary of France, reclaiming the English ship *Grange*, captured at the mouth of the river Delaware, by the frigate *L'Ambuscade*, belonging to the Republick, he accompanied his letter with the opinion of Mr. Randolph, attorney general of the United States, in which the right of reclamation was among other reasons founded on the following.

"That the whole of its descent to the Atlantick ocean is covered on each side by the territory of the United

States: that from tide-water to the distance of about sixty miles from the Atlantick ocean, it is called the river Delaware.

“That its mouth is formed by the capes Henlopen and May; the former belonging to the state of Delaware in property and jurisdiction; the latter to the state of New Jersey.

“That the Delaware does not lead from the sea to the dominions of any foreign nation.

“The corner-stone of our claim is, that the United States are proprietors of the lands on both sides of the Delaware, from its head to its entrance into the sea.

“A river considered merely as such, is the property of the people through whose lands it flows, or of him under whose jurisdiction that people is.” Grot. b. 2. c. 2. § 12.

“Rivers might be held in property, though neither where they rise, nor where they discharge themselves be within our territory, but they join both, or the sea. It is sufficient for us that the larger part of water, that is, the sides, is shut up in our banks, and that the river in respect of our land, is itself small and insignificant.” Grot. b. 2. c. 3. § 7. And Barbegroe* in his note subjoins that neither of those is necessary.

“Rivers may be the property of whole states.” Puff. b. 2. c. 3. § 4. *To render a thing capable of being appropriated, it is not strictly necessary that we should enclose, or be able to enclose it within artificial bounds, or such as are different from its own substance; it is sufficient if the compass and extent of it can be any way determined. And therefore Grotius hath given himself a needless trouble, when, to prove rivers capable of property, he useth this argument, that although they are bounded by the land at neither end, but united to the other rivers or the sea, yet it is enough, that the greater part of them, that is, their sides, are enclosed.* Puff. b. 4. c. 5. § 3.

“When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers.” Vattel, b. 1. c. 22. § 266.

“Congress too have acted on these ideas, when, in their collection of laws, they ascribe to a state the rivers wholly within that state.

{* Meaning Barbeyrac.}

"The gulfs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed. Puff. b. 4. c. 5. § 8.

"These remarks may be enforced by asking what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion."

What a multitude of consequences may be drawn from the application of these principles, established by the American administration four years ago, with regard to the navigation of the Mississippi! The powerful arms held therein by Spain for obstructing this navigation, her not having made use of them, and her having insisted in a manner so explicit and positive that the *citizens of the United States alone* should have a right to the advantages of this river, are a convincing and incontestable proof of the good faith and upright intentions of Spain. But the privilege of the citizens of the United States to navigate the said river to the ocean, not being now doubted—let us quit this point in order to treat alone of that which regards the right acknowledged to England by the American administration, for the enjoyment of its advantages.

What does Spain wish or desire? That the *American citizens alone*, of all the foreign nations, should enjoy the privilege of this navigation. What does the American administration wish or desire? *That it should not be the American citizens alone*, who should reap the advantages of it. From this difference of pretensions, it would appear that Spain defends the interests of America more than the administration itself.

You say in your answer to me of the 17th of May, "But I might deny that the United States *ever* granted the right of navigating the Mississippi, to Great Britain. A recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never *formally* relinquished it." In another paragraph of the same letter you add, "By the definitive treaty of peace concluded the 3d of September, 1783, the latter ceded to Spain East Florida; as also West Florida: but the river Mississippi, as you observe, is not even mentioned in the treaty. What is the just inference

from this circumstance the United States need not decide. Doubtless Great Britain conceived it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side, and probably no one can now say they do not."

If it be certain that the United States never have granted to England the right of navigating the Mississippi, to the ocean, it is notwithstanding very evident that *they have acknowledged it with every solemnity*, as appears by the treaty of 1783, by that of commerce, and lastly by the explanatory article signed on the 4th of May, 1796. How then could you say to me "What is the just inference from this circumstance, the United States need not decide?" Have they not decided as positively as favourably for England by acknowledging the claim to an unjust right? Which of the principles established by the officers of the administration, in relation to the Delaware, in the case of the ship Grange, will apply to England in relation to the Mississippi? For instance, is its source in the British dominions? Does it run through their provinces or discharge itself in their possessions? But you say that when by the treaty of 1783, England ceded to Spain East and West Florida, she did not make mention of the Mississippi, but the attorney general of the United States established in the case of the Grange the principle of Vattel. That "*when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers,*" of course when Great Britain ceded East and West Florida, she likewise ceded the *lands, lakes and rivers*, the right of which she might have held in the said possessions. By the principle established by you that *she had not expressly renounced it*, having made no mention of the rivers Apalachicola, Mobile or Alabama, and others, the United States might believe themselves in like manner authorized to recognise the navigation in favour of England, because they are not mentioned in the treaty. France also might claim the navigation of the Mississippi, since in the act of session to Spain of New Orleans, she did not *expressly* renounce the navigation of this river. By this same principle the United States might suppose themselves authorized to recognise to France the right of navigating the river St. Lawrence.

The case is absolutely similar. France does not hold an inch of land on its borders, England does not possess a thumb's breadth on those of the Mississippi. The river St. Lawrence neither has its source, runs through, nor empties in the possessions of France. The Mississippi neither has its origin, runs through, nor empties in the dominions of England. France once had the right of navigating the river St. Lawrence, because she had possessions on its borders. England also once enjoyed the right to the navigation of the Mississippi, because she had possessions on its margins. In the cession of Canada no mention is made of the river St. Lawrence, although it speaks of islands. Nor is the Mississippi named in the cession of the Floridas: the case then is absolutely similar. If the United States, although they did not grant, should *acknowledge* to France the right of navigating the river of St. Lawrence, would not England with infinite reason consider herself as justly offended? Why therefore, when the United States acknowledge to England a right as unjust, with regard to Spain, as prejudicial to the American citizens, should not Spain look upon herself as offended and insulted? I repeat the text of Vattel "*When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers.*"

Afterwards touching the subject whether the possessions border on the Mississippi or not, you add, "*and probably no one can now say they do not.*" I can assure you *they do not*. The late discoveries of M^r Kenzie, and the best map that has hitherto been published of North America, in London, about eighteen months ago, by A. Arrowsmith, evidence that the true origin of the Mississippi is in *White Bear Lake*, and that from that point its waters do not touch any English territory. If other testimony were necessary I should not seek it abroad: at Milford in Connecticut, there now lives Mr. Peter Pond, who has been employed 17 years in the service of the Hudson Company, has passed over and examined all those regions; has been at the same origin of the Mississippi, that is at *White Bear Lake*, and has formed a valuable map, which he now preserves in manuscript, and which *confirms* that the English have not a foot of land on the borders of the Mississippi.

Having therefore, in my opinion, completely confuted the most essential part of the answer which you gave to my said letter of the 6th May, and having proved to demonstration the just motives which his catholick majesty has for being offended with the *explanatory article* signed by you and Mr. Bond, on the 4th of May, 1796, it only remains for me to ask you in the name of the king my master, whether the United States contemplate, or not, the performance of the above mentioned treaty, in this particular.

I tender you my services, and hope that the Lord may preserve you many years.

Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

Timothy Pickering, Esq. Secretary of State.

No. 17.

For the Aurora.

TO THE NATIVE AMERICAN.

THE punctuality with which I have answered the letters you addressed to the Chevalier de Yrujo, and the defence you have taken on yourself as well of Mr. Pickering as of the interests of Great Britain, authorize me in directing this letter to you, and imposes on you the obligation of answering it. Previous to my entering on the principal object of it, permit me, sir, to make a few observations.

Since our correspondence has ceased, the king of Great Britain and his council have declared, *that they should not consider in England, as American citizens, those, who have been naturalized since the acknowledgment of our independence.* This tyrannical declaration, contrary to all the principles of natural right, acknowledged by the first publicists, which, as it injures a great number of individuals in this country and wounds at the same time the sacred right of its sovereignty, I expected would have excited in you, sir, that fervent zeal with which you have appeared to defend the interest of the United States in the dispute respecting the delivery of the posts and the line of demarcation with the Spaniards. From whence then arises this silence? Are you ignorant of the effects of this determination which extends the oppression of Great Britain to the very wilds of America? Can you be ignorant that the three-fifths of

that active and valuable class of citizens which export the products of the country, equip the ships which carry the American flag to the extremities of the earth, and which supports our fisheries, in the perfect confidence and security of being protected by that government to whom they have sworn allegiance, are thereby entirely thrown on the mercy of England? And do you not foresee that its immediate consequence is authorizing the British ships of war hereafter to seize the crews of our vessels under the appearance of a right? Where then is this zeal of yours which resounded in every gazette, when the subject in question was merely a momentary suspension of a *part* of the treaty with Spain, although this nation had the most powerful motives for so doing? What is become of the phalanx of scribblers, at whose head you appeared, with FENNO and the mighty PORCUPINE to defend vigorously the rights of America? Surely neither you nor any other person whatever will pretend to deny or even express a doubt, that the above mentioned declaration of the British monarch does not violate them in a most unjust and hostile manner? From whence then so much noise and clamour when treating of the affairs in dispute with Spain? And from whence arises that servile silence, in a *Native American*, when the question is to defend his country against the tyranny of England? This difference of conduct confirms my suspicions of your being a mere British hireling, who has assumed a respectable title in order the more easily to deceive the good faith and candour of your readers; but fortunately you have completely unmasked yourself, and the publick may now judge the degree of faith and confidence to be placed in your productions. But to return to the affairs of Spain.

In my former letters I think I evidently proved the injustice of your attacks against Spain and its ministers: I think I have sufficiently shown that the projects of Blount, and the intended expedition of the English against the possessions of his catholick majesty, have justified the retention of the posts, as the most imminent danger might have arisen by their delivery. I shall now endeavour to give fresh proofs of our administration's not acting towards Spain with that equity, justice and honour which a sound policy requires, and which certainly appertains to a nation that calls itself neutral, and affects to be strictly so.

Ever since exterior commerce and navigation, which is its consequence, have influenced in politicks, mercantile connections have been considered the links which unite most one nation with another. These mercantile relations consist in mutual wants and reciprocal means of satisfying them, From such evident principles it results that there exists few nations which would and ought to establish a more intimate connection than the United States and Spain. Our flour, plank, timber, pitch, and the articles of salt provisions, can always find a sure and advantageous market in his catholick majesty's dominions both in Europe and America ; on the other hand, the wines, brandies, oil, and fruits of Spain, the coffee and sugar of her colonies are articles we are in want of. Behold here the basis of a perfect union and friendship which would open an extensive field for speculation with mutual advantage. His catholick majesty made the first step towards this union, by concluding with the United States a very liberal treaty established on the principles of sound policy, and when we ought to have expected that our administration would endeavour to tighten the bands of friendship with a nation from whom so many advantages would have accrued, it signed on the 4th of May, 1796, *only a few months* after concluding a treaty with Spain, *an explanatory article* to that part of the English treaty which regards the navigation of the Mississippi, acknowledging to the English a right to the said navigation. In order to convince every impartial American of the injustice of this proceeding, I shall not seek in any foreign text for arguments on which to ground mine. The principles established by the officers of the United States, three or four years ago, will be the basis of my observations.

When the Secretary of State, Mr. Jefferson, wrote on the 15th of May, 1793, to M. de Ternant, then minister plenipotentiary of France, claiming the British ship *Grange*, taken at the entrance of the Delaware, by the French frigate *l'Ambuscade*, he communicated to him the opinion of the attorney general of the United States, in which, among others, he founded his claim on the following reasons :

“ That the whole of its descent (the river Delaware) to the Atlantick ocean, is covered on each side by territory of the United States :

“ That from tide-water to the distance of about sixty miles from the Atlantick ocean, it is called the *river Delaware* :

“ That its mouth is formed by the Capes Henlopen and May ; the former belonging to the state of Delaware in property and jurisdiction, the latter to the state of New Jersey.

“ That the Delaware does not lead from the sea to the dominions of any foreign nation.

“ The corner stone of our claim is, that the United States are proprietors of the land on both sides of the Delaware, from its head to its entrance into the sea.

“ *A river considered merely as such, is the property of the people through whose land it flows, or of him under whose jurisdiction that people is.* Grot. b. 2. c. 2. § 12.

“ *Rivers might be held in property ; though neither where they rise nor where they discharge themselves be within our territory, but they join to both, or the sea. It is sufficient for us that the larger part of water, that is the sides, is shut up in our banks, and that the river, in respect of our land, is itself small and insignificant.* Grot. b. 2. c. 3. § 7. and Barobegre in his note subjoins that neither of those is necessary.

“ *Rivers may be the property of whole states.* Puff. b. 3. c. 3. § 4.

“ *To render a thing capable of being appropriated, it is not strictly necessary that we should enclose it, or be able to enclose within artificial bounds, or such as are different from its own substance, it is sufficient if the compass and extent of it can be any way determined. And therefore Grotius has given himself a needless trouble, when to prove rivers capable of property, he useth this argument, that although they are bounded by the land at neither end, but united to the other rivers or the sea, yet it is enough, that the greater part of them, that is their sides, are enclosed.* Puff. b. 4. c. 5. § 3.

“ *When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers.* Vattel, b. 1. c. 22. § 266.

“ Congress too have acted on these ideas, when, in their collection of laws, they ascribe to a state the rivers wholly within that state.

"*The gulfs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed.* Puff. b. 4. c. 5. § 8.

"These remarks may be enforced by asking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion."

Now, Mr. *Native American*, what a multitude of consequences could we not draw by an application of these principles (established by our administration four years ago.) to the subject respecting the navigation of the Mississippi! What powerful arms was it not in the hands of Spain to have refused us this navigation! Not to have made use of them and her insisting, in an explicit and positive manner, *that the citizens alone of the United States* should have a right to the advantages of this river, evidently proves her good faith and sound intentions. But as the right which the Americans have to navigate this river, to the very ocean, is no longer doubtful, let us quit this topick and treat only of that with respect to the right acknowledged, by our administration, in favour of England to these advantages.

What does Spain wish for, or desire? *that, of all foreign nations, the Americans alone* should enjoy the privilege of this navigation. And what is the wish and desire of our administration? That the citizens of America *should not be the only people* to enjoy its advantages. From this it evidently results, that the king of Spain is the defender of the interests of America, and that our administration instead of promoting it, has meanly sacrificed it to England. Impartial Americans, who love your country, with more sincerity than the *Native American* to whom I address this letter, let your attention rest a while on the present subject, and you will evidently see I do not exaggerate, when I tell you, that in this respect our administration has basely sacrificed our advantages by their unjust partiality to Great Britain. In order to make this more evident, examine the answer given by Mr. Pickering on the 17th of May to the chevalier de Yrujo's letter of the 6th of the same month; in it you will see, that the secretary of state of a neutral nation, precisely in a moment

when his administration is taxed of being unjustly partial to England, instead of effacing this impression by a line of conduct strictly neutral, takes upon himself to defend the cause and interests of Great Britain. Mr. Pickering, attacked by the strength of the chevalier de Yrujo's arguments, says, "But I might deny that the United States *ever* granted the right of navigating the Mississippi to Great Britain, a recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never *formally relinquished it*." In another paragraph of the same letter he says "By the definitive treaty of peace between Spain and Great Britain in 1783, the latter ceded to Spain East Florida, as also West Florida; but the river Mississippi, as you observe, is not even mentioned in the treaty. What is the just inference from this circumstance the United States need not decide. Doubtless Great Britain conceives it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side; and probably no one can now say they do not." Mr. *Native American*, if it be true that the United States *never* granted the right of navigating the Mississippi as far as the ocean, to Great Britain, can you or any other person who knows how to read, pretend to deny that if they did not *grant* it, they *solemnly acknowledged* it, as appears by the treaty of 1783, the unfortunate treaty of commerce, and lastly by the explanatory article, signed the 4th of May, 1796? How then can Mr. Pickering presume to say, "what is the just inference from this circumstance the United States need not decide," has it not been positively decided in favour of Great Britain by acknowledging and confirming an unjust right thereto? Which of the principles established by the officers of government respecting the Delaware in the affair of the Grange, can be applied to England, with respect to the Mississippi? Does it take its rise in her dominions; does it run through the territories, or does it empty itself in her possessions? However, Mr. Pickering says that, when by the definitive treaty of peace of 1783, England ceded East and West Florida, no mention was made of the Mississippi; Mr. *Native American*, the attorney general of the United States has established the principle of Vattel, that, *when a nation takes possession of a country, in order to*

settle there, it possesses every thing included in it, as lands, lakes, and rivers; of course when Great Britain ceded East and West Florida, it equally ceded the *lands, lakes, and rivers* to which it had a right in the said provinces. By this same principle of Mr. Pickering, as no mention was made of the rivers Apalachicola, Mobile or Alabama, and others, the United States might with as much propriety suppose themselves authorized to recognise a right to their navigation in favour of Great Britain. France might equally claim a right to the navigation of the Mississippi, as in the act of ceding New Orleans to Spain, she does not expressly renounce the navigation of said river. On the very same principle the United States might suppose themselves authorized to recognise a right to France to the navigation of the river St. Lawrence: the case is identically the same, France has not an inch of land on its banks, England has not a spot on those of Mississippi. The river St. Lawrence neither takes its rise, nor runs, or empties itself in the possessions of France; the Mississippi neither rises, nor runs, or empties itself in the dominions of Great Britain. France *had once* a right to the navigation of the river St. Lawrence, because she had possessions on its banks: England likewise *had once* a right to the navigation of the Mississippi, because she had possessions on its borders. In the cession of Canada no mention is made of the river St. Lawrence, although mention is made of its islands: in the cession of the Floridas no mention is likewise made of the Mississippi; thus then, I repeat, the case is identically the same. Now, Mr. *Native American*, if the United States were to *require or acknowledge*, although they did not *grant*, to France a right to navigate the river St. Lawrence, would not England, with great reason be highly offended? Would she not look upon this act of the United States as an outrage? If so, why should not Spain look upon herself as grossly injured by the acknowledgment of a right as injurious to the subjects of Spain as it is to the citizens of America? I again repeat the quotation of Vattel, "when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers." Mr. Pickering continuing in the language and style of an advocate for Great Britain, instead of using that which becomes the secretary of state of a nation which calls itself neutral, speaking whether the English possessions touch on the Mississippi or not, adds.

“and probably no one can now say they do not.” I, Mr. *Native American*, can assure you *they do not*, and if Mr. P—— had been attentive to the progress of geography, and was even acquainted, as it is his duty, at least with that of his own country, he would know, as well as me, *that they do not*. The last discoveries of M’Kenzie, and the map published in London 18 months ago, by Mr. A. Arrowsmith, fully prove the origin of the Mississippi to be in the *White Bear Lake*, and that from this point its course does not run through any British possession. If it were necessary to produce any new testimony in addition to the foregoing, I would not seek it among foreigners: At Milford, in Connecticut, there actually lives a Mr. Peter Pond, who was employed 17 years in the service of the Hudson Bay Company; he has gone over and examined particularly all those regions; he has been at the very source of the Mississippi, namely, the *White Bear Lake*, and has made out a valuable map, which he yet preserves in manuscript, and which confirms that the English have not a foot of land on the Mississippi. With these proofs, Mr. *Native American*, (notwithstanding Mr. Pickering’s doubts, which are perhaps voluntary) I think I can safely assure you, *they do not*.

Mr. *Native American*, the prosperity of the United States depends on peace, and peace on a strict neutrality; let us be just and we shall be respected. *Honesty is the best policy*, and surely the contents of my former letter, as well as those of the present one, evidently prove that our administration has neither acted with justice or honesty towards Spain. The clamours respecting the momentary suspension of the least essential part of the treaty, have been incessant, when in reality, at the very moment Spain held out a friendly and liberal hand to us, we have repaid this act of generosity with ingratitude, *recognising to her enemy a claim to a pretended and unjust right*. The friendship of Spain ought to be dear to us, as from a good understanding with her may result a commercial treaty, which would at the same time vivify and supply her colonies and open an extensive field for the prosperity of our navigation and commerce. The unjust proceeding of the administration is not surely the method of obtaining an object we ought all anxiously to wish for. If the administration acts with justice and equity it is the duty of every good American to

support it ; but I observe with much regret that many of my fellow-citizens, daily confound the *ministers*, or the *administration* with *government*, and think they support the latter, when in fact they support the administration. If ministers, animated either by the spirit of party or by other views, proceed in their measures with injustice, it is necessary to attack the *administration* in order to support the *government* ; for the administration can in many instances be as much the enemy of the government as merchants are often the greatest enemies of commerce.

I hope, Mr. *Native American*, you will be pleased to favour me with an answer on the different points contained in this letter, as I shall look on your silence to be an implicit confession of the impossibility you find therein. Although the various subjects contained herein are susceptible of greater elucidation, I have adhered solely to the most prominent points in order to facilitate your answer, and that the publick may thoroughly investigate the subject.

VERUS.

No. 18.

The Secretary of State, to the Chevalier de Yrujo. Department of State, Philadelphia, January 20, 1798.

SIR,—As your letters of the 9th of October and 21st of November last, contained no new matter of any consequence, and a fresh discussion of the points in dispute would require, on my part, only a recurrence to arguments formerly and conclusively urged, the general impression on my mind was, that it would not be necessary to give them a formal reply ; whatever notice it might be proper to take of them in a report to the President of the United States. Nevertheless, I will now trouble you with a few observations.

A consideration of the papers heretofore laid before Congress, relative to the affairs on the Mississippi, of others since received from thence, in conjunction with your letter of the 9th of October and its enclosures, convinces me that the conduct of Mr. Ellicott and lieutenant Pope has been neither “scandalous” nor “insulting” towards the Spanish officers in that country ; and that if any undue zeal or intemperance has been manifested by

either in maintaining the just rights of the United States, —the measures adopted by those officers to evade the execution of the treaty between the United States and Spain, have been the cause. It is by this course of conduct in the Spanish officers that the king, their master, has been dishonoured, and not by the actions of the officers of the United States. I may, doubtless, be justified in saying, that their detention of the posts and delays to run the boundary line, have been unauthorized by the king. It is certain that neither of those Spanish officers has ever intimated an order from their government as a warrant or an apology for their proceedings.

In your letter of the 21st of November, you recur to the several topicks of your letter of the 6th of May, 1797 ; but exhibit no new argument on the points really in dispute. You barely mention the subject of the articles contraband of war, and the principle that free ships make free goods. The stipulations of the United States on these points, in their treaty of 1794, with Great Britain, were fully justified in my answer of the 17th of May to your letter of the 6th. If any thing further were necessary, I would say (what I then mentioned as not to be doubted) that the Spanish government voluntarily entered into the different stipulations with the United States, when it possessed full knowledge of our stipulations in the commercial treaty with Great Britain ; having in its hands the treaty itself ; and having also ratified its treaty with the United States six months afterwards ; which the Spanish government would have been justified in refusing, had there been any deception, any want of good faith on these points, on the part of the United States ; but of which not a shadow of proof can be adduced.

The same observations apply to the other subject of your letter,—the navigation of the river Mississippi ; but with greater force ; for, as I showed in my letter of the 17th of May, when the Prince of Peace proposed a mutual stipulation to exclude the British from the navigation of the Mississippi, Mr. Pinckney rejected it, and explicitly, because it would violate the faith of the United States previously pledged to Great Britain ; and the projected article of the Prince of Peace was altered accordingly. Yet you now introduce those previous stipulations as subjects of complaint against the United States ! It is true, you also mention the subsequent explanatory

article of the 4th of May, 1796, which is added to the treaty of amity, commerce and navigation of 1794, with Great Britain: but it is equally true that this contains no new stipulation, that it recognizes the principle that no subsequent treaty can make void prior engagements (and, therefore, that this explanatory article of 1796, cannot in the smallest degree affect the prior treaty of 1795 with Spain) and that British subjects, the citizens of the United States, and the native Indians, shall enjoy full liberty of passage, intercourse and commerce with each other, "*according to the stipulations of the third article of the treaty of amity, commerce and navigation.*" So that this explanatory article goes not beyond, but is positively confined within the limits of the third article of the treaty of 1794; which, preceding, in order of time, the treaty with Spain, by more than eleven months, and being also at the conclusion of the Spanish treaty perfectly well known to its government; it cannot, consequently, afford to Spain the slightest ground of complaint.

I pass unnoticed your lengthy quotation from the opinion of Mr. Randolph, attorney general of the United States in 1793, and your observations upon it; because neither one nor the other touch the essential point in dispute between us.

As to the question in the last paragraph of your letter, I am authorized to say, That the United States are not concerned to vindicate the claim of Great Britain to the navigation of the river Mississippi. What was said on this subject of my letter of the 17th of May, was in consequence of your having entered into an examination of the British title to this navigation; and I said expressly, that I did not conceive it essential to the subject we were then discussing: I merely followed you. Our stipulation amounts only to this, that the United States shall not obstruct the navigation of the river by British subjects. If Great Britain demands and obtains it; or if Spain admits her claim, as she has reserved the right to do, in the 4th article of her treaty with the United States, the latter cannot oppose it; and if the British vessels and boats do navigate the Mississippi, we are bound to admit them into our ports on the eastern bank of that river. Whether this admission would be advantageous or injurious to the United States; it belonged to them only to judge: they have not asked,

nor will they have occasion to ask Spain to be the guardian of their rights and interests on the Mississippi: they only desire, in this respect, that she would faithfully perform her own engagements sanctioned by a solemn treaty.

I am, sir, &c.

TIMOTHY PICKERING.

No. 19.

Extract of a Letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, July 14, 1797.

“ON the 8th of June I received by Mr. Knox your despatches dated the 14th of April, which were laid before Congress on the 12th of June, and on the 29th of June, I received by captain Hunter, your despatches dated the 10th of May, which on the 3d of July, were also laid before Congress, together with the despatches from captain Pope to the Secretary of War. These communications to Congress appear in the enclosed pamphlets.

With respect to the important business with which you are charged, the repeated promises, followed by as often repeated failures to enter upon it, by the Spanish governours, with other circumstances, afford too much reason to believe that there is an intention to postpone it. Nevertheless, the President is of opinion, and directs that you should remain at the Natchez, and always hold yourself in readiness to commence the running of the boundary line between the territories of the United States and of his catholic majesty. You will endeavour, in concert with governour Gayoso, or other proper officer of his catholic majesty, to fix a time when this work of ascertaining the boundary line shall commence. This endeavour may be renewed as often as you shall think fit. Great care should be used to give no just cause of offence to the Spanish government. What will be the final result of its measures is uncertain; but if war should follow, it will be of the last importance that the United States should not be the aggressors. The President, therefore, desires that your conduct should be perfectly guarded, moderate, and prudent.”

No. 20.

Extract of a Letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, Philadelphia, August 30, 1797.

“YOUR expresses, Mr. Bean and Mr. Robins, arrived here on the 24th instant, and delivered me your two letters of June 27th. The same day I received your letters of May 27th and June 4th and 5th.

The Baron de Carondelet's proclamation of the 24th of May, inclosed in your letter of June 4th, abandons almost all the former pretences for retaining the posts, which he says “is occasioned only by the imperious necessity of securing Lower Louisiana from the hostilities of the English, who have set on foot (without regard to the inviolability of the territory of the United States) an expedition against Upper Louisiana.” By my former despatches covering the printed reports and documents, you will have seen that this expedition had never any existence. This is more fully shown in my letter of the 8th instant, to the chevalier de Yrujo, now enclosed. And my answer to him about the navigation of the Mississippi, and the articles of our treaties with Great Britain concerning it, also among the printed documents, demonstrates that in those stipulations we have not departed from the strictest line of good faith towards Spain; that we have granted nothing in respect to the navigation of the Mississippi, to Great Britain; and that the ideas the United States entertained on that subject, were perfectly known and understood by the government of Spain, when our treaty with Spain was concluded; and that there is nothing contradictory between the two treaties, the British and Spanish.

As therefore the Baron de Carondelet has not a shadow of foundation to suspect an expedition by the British against Upper Louisiana, as the American government has formally declared to the British minister, for the information of his government, that we will suffer the march of neither British nor Spanish troops through our territory, for the purpose of hostility of one against the other; as, finally, the British themselves (as you will see in Mr. Liston's letter among the printed documents) declare they never had formed such a plan of an expedition, and ac-

knowledgeed that its execution would violate our territorial rights—for these reasons, on the principles of his proclamation the Baron ought immediately to evacuate the posts and territory of the United States.

These observations will also apply to the Baron's proclamation of the 31st of May, in which, however, he takes somewhat new ground. What "security" can the United States give, or rather what will the Baron deem a "security" against a descent of the English by the Mississippi?

If the facts and assurances already stated and given on the part of the United States do not satisfy, nothing can.

With respect to any hostile intentions of the United States towards Spain, as intimated by the Baron in this last proclamation, nothing is more unfounded. The march of the troops to Tennessee from the Ohio, is for the sole purpose of establishing a force in that country to restrain the inhabitants or other citizens from aggressions against the Cherokees, and especially to prevent a forced settlement, which was threatened, on the Indian lands, and any orders to the Cumberland militia to hold themselves in readiness, can be only for the object of preventing encroachments on the Indian lands, and to preserve peace. If we meditated an attack against the Spaniards on the Mississippi we should certainly contemplate an easier route than by a wilderness of many hundred miles in extent, through which the transportation of stores and provisions would be impracticable; or of such extreme difficulty and boundless expense, as folly alone would attempt.

I have now only to notice the general commotion at the Natchez, among the inhabitants, against the Spanish government, which seems to have been quieted very much by your prudent management. This line of conduct, caution, prudence, moderation—so as by all means to avoid the possibility of a charge of aggression against the United States—you will see in my letter of the 14th of July, was specially enjoined by the President. And a perseverance in the same course I trust will eventually issue in a peaceable adjustment of the disputes now subsisting, respecting the posts, the country where they are situated, and the navigation of the Mississippi. The pacifick views of the United States and their good faith are not to be doubted, and it is clear as demonstration can make it, that the Baron has nothing to apprehend from the British from Canada:

and consequently that he has now no cause or pretence for retaining the posts, or for delaying to run the boundary line."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 5. 1798.

I HAVE received a letter from his excellency Charles Pinckney, Esq. governour of the state of South Carolina, dated on the 22d of October, 1797, enclosing a number of depositions of witnesses to several captures and outrages committed within and near the limits of the United States by a French privateer, belonging to Cape Francois or Monte Christo, called the Vertitude or Fortitude, and commanded by a person of the name of Jordon or Jourdain, and particularly upon an English merchant ship, named the Oracabissa, which he first plundered and then burned, with the rest of her cargo of great value, within the territory of the United States, in the harbour of Charleston, on the 17th day of October last; copies of which letter and depositions, and also of several other depositions relative to the same subject, received from the collector of Charleston, are herewith communicated.

Whenever the channels of diplomatical communication between the United States and France shall be opened, I shall demand satisfaction for the insult, and reparation for the injury.

I have transmitted these papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the executive authority of government to take measures for protecting the citizens of the United States, and such foreigners as have a right to enjoy their peace and the protection of their laws within their limits, in that as well as some other harbours, which are equally exposed.

JOHN ADAMS.

Letter from Governour Pinckney to the President of the United States. Charleston, October 22, 1797.

SIR,—I have the honour to submit to your consideration the enclosed affidavits respecting the English ship *Oracabissa*, burnt on Tuesday last within the bar of this harbour by a privateer said to be called the *Vertitude*, commanded by a captain Jourdain, and belonging to Cape Francois; also of the capture of the ship *Pallas* belonging to this port, and the *Mary* of Savannah. By an examination of these affidavits, you will find this was a very glaring and wanton violation of the neutrality of the United States, and such as will require their serious attention. The distance from this city to the place where the act was committed, prevented our interfering in time. As soon as I received intelligence of it from the British consul, I ordered an armed force from Fort Johnson to proceed to the *Oracabissa*, to protect her while within our harbour and the jurisdictional line of the United States, from seizure, depredation, or insult; but the cutter was not able to get down before the ship was destroyed, and the privateer had put to sea, and proceeded beyond the limits of the United States, where she captured the *Pallas* and the *Mary* the next day. As I am convinced these violations of our neutrality within our harbours and limits cannot be countenanced by the French government, but are generally committed by vessels not commissioned, or which proceed contrary to their instructions, I have considered it my duty to transmit them to you for your determination, and have requested the collector to forward copies to the proper department. The trade of this city being extremely important to the revenue of the United States, and much exposed from its southern situation to cruisers from the Floridas, Bahamas, and West Indies, British as well as French, for they have both lately captured a number of our vessels, I conceive it would be proper that a revenue cutter of at least twenty guns should be equipped for the use of this port, and for the protection of the neutrality of the United States within our jurisdictional line, until the establishment of a general peace, which I trust will soon take place, and that all our differences with the French Republick will be honourably and amicably adjusted.

I have the honour, &c.

CHARLES PINCKNEY.

State of South Carolina, City of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said notary, Jonathan Story, master of the ship *Oracabissa*, of London, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that on his voyage from Jamaica, loaded with sugar and rum, bound for London, he met with severe gales of wind, by which he lost his main and mizzen masts and sprung a leak, that being in great distress off the harbour of Charleston, the British consul having had information of his situation, sent six or seven men to assist him, and enable him to get over the bar and up to Charleston to repair the said vessel: that after several days laying at anchor off the bar, on Friday evening the thirteenth of this instant, October, he got over the bar with the said ship, and came to anchor in Five Fathom Hole, in the harbour of Charleston aforesaid, the wind being contrary he could not proceed up to the city; that on Monday evening the sixteenth of said month about sun down, he saw a small armed schooner come over the bar and come to anchor to the N. N. W. of said ship, but showed no colours; that immediately the said armed schooner weighed anchor, and came close up under their starboard quarter, and came to anchor, ordered him to hoist out his boat, but on his answering his boat was stove, they sent their boat with an officer and four or five armed men with pistols and cutlasses, took forcible possession of said ship *Oracabissa*, ordered the deponent with his papers on board the said schooner, and carried him and one man on board, and sent the boat with four or five armed men on board the said ship; that when he got on board he perceived two carriage guns, but the small arms were concealed from him; that he asked the name of the said schooner and the captain's name, but they refused to inform him, one of the men said she came from Cape Francois, and was a French privateer; that as soon as the boat went the second time with men on board, he saw

them begin to plunder the vessel and cargo, and continued to do so till eight o'clock on Tuesday morning; that they brought as much rum and sugar of the cargo, and the rigging and sails of the vessel, as they could stow in the said privateer; that at nine o'clock they cut the said ship *Ora-cabissa's* cables, and set her on fire in four several places, to wit—fore, main and after hatch way, and in the gun room; the ship then drifted on the breakers near the shore; after which the captain of the said privateer told him he had fifty men on board, but would not tell him his name or the vessel's name; also said that the captain of a British frigate had burned a privateer he commanded in Hampton Roads, and for that reason he burned the ship, but could he have carried her off he should have done it; that the deponent received part of his clothes in a bag, and received no personal bad treatment, himself or crew; immediately after the privateer weighed anchor, got over the bar, and went into Stono Inlet, and landed him with fifteen men on the beach, being the whole number on board the ship when taken at anchor in the harbour of Charleston, contrary to the laws of neutrality and of nations; that they got to Mr. Taylor's who treated them very kind, and in a friendly manner.

JONATHAN STORY.

In testimony whereof, I the said notary have hereunto set my hand and affixed my seal of office, at Charleston, this eighteenth day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America.


JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, city of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said notary, Michael Delany, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare,

that he is a branch pilot belonging to Charleston ; that on this morning A. M. as he was conducting the brig Hannah of Charleston, captain Daniel Bythewood, into harbour, this seventeenth instant, at a quarter past nine o'clock he discovered the British ship Oracabissa on fire from her stern to the main hatch ; but being then about four miles distant from her he cannot be more particular ; that at the time he first discovered the fire, there were no colours flying that he could perceive, but in a few minutes after he saw colours flying at the fore-topmast head, but could not distinguish of what nation.

MICHAEL ^{his}  DELANY.
mark.

Captain Daniel Bythewood being also duly sworn agreeably to law, deposeth, that on this morning, about a quarter past nine o'clock, being in the brig Hannah of Charleston, under his command, as he was crossing the bar of Charleston, having Michael Delany, a branch pilot, on board, he saw a large ship dismantled, and at anchor in Five Fathom Hole, within the bar and harbour of Charleston : he saw the smoke and flames issuing from the said ship from her stern to the main hatchway ; that when he first discovered the smoke, he perceived no colours, but afterwards saw colours flying at the fore-topmast head, but could not distinguish to what nation they belonged.

DANIEL BYTHEWOOD.

Mr. John Colhoun being also duly sworn agreeable to law, deposeth, that on yesterday the sixteenth of this instant, October, about half past one o'clock P. M. he went on board the British ship Oracabissa in Five Fathom Hole, commanded by captain Story, with provisions sent by his Britannick majesty's consul for the captain and men on board, the said ship having lost her main and mizzen masts, being in distress from severe gales, and a great leak which kept one pump going ; about half past two, being at dinner with the captain, one of the seamen came and informed him there was a picaroon coming in, he had better be on his guard for fear of an attack. when the cap-

tain asked the deponent to go out and look at the said picaroon, which he did, and was of opinion with the seamen and pilot that the said picaroon or privateer was an enemy's vessel; that the seamen wanted to fire at her, but by the advice of the deponent, the captain forbade it, but got the six-pounder in order to defend the vessel if she was attacked; the said picaroon came over the bar, passed the ship, and came to an anchor between her and the lighthouse; soon after the said picaroon weighed anchor and came to N. N. W. at between two and three miles distance, about five o'clock; the deponent left the said ship and proceeded to Charleston in a whale boat, with two negroes; that he rowed close under the stern of the said picaroon or schooner privateer to endeavour to find out what she was; that he hailed her and asked from whence she came, to which answer was made in bad or broken English, from Savannah, and also desired the deponent to come on board, to which he refused; he then asked him if he was a pilot, he answered No, but would send him one if he wanted one; to this the same voice asked what ship that was, to which he replied, Ay! ay! He then rowed towards the ship to put them on their guard, on which the said picaroon weighed anchor and endeavoured to cut him off from the ship, but he hailed the ship and told them to take care, at which time the said schooner fired a shot at him; he then ordered the sail set and stood for the light house, at which time he received a second shot, and was chased until he got into shoal water; they then fired a third shot, but were obliged to desist chasing, and proceeding to the ship, came to an anchor about a mile from her stern; he then proceeded to Charleston, and about nine o'clock informed the British consul of the above particulars.

JOHN COLHOUN.

In testimony whereof, I the said Notary have hereunto set my hand and affixed my seal of office, at [U. S.] Charleston, this 17th day of October, in the year of our Lord 1797, and in the 22d year of the Independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esq. Justice of the Quorum in and for the said State, and Notary Publick by lawful authority duly sworn, admitted and commissioned, residing and practising in the City and State aforesaid.

Do hereby certify, that on the day of the date hereof personally came and appeared before me the said notary, Mr. Shadrach Turner, of Charleston, a pilot, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that on Monday the 16th instant, he was sent on board the British ship Oracabissa, captain Story, who lay at anchor in Five Fathom Hole, within the bar and harbour of Charleston, in distress, to relieve the pilot who had been on board several days and was sick, that about 3 o'clock a small French schooner privateer came over the bar and came to anchor to the northward of the said ship, that seeing a boat go from the ship, in which Mr. Colhoun was, the privateer got under way and chased her till she got into light house creek, then run up under the stern of the said ship, and came to an anchor on her starboard quarter, hailed her, and asked from whence she came, and was answered from Jamaica, and came there in distress; they then ordered the captain to lower his boat down, and come on board; he answered the boat was stove; on which the privateer hoisted his boat out, and sent a lieutenant and another officer with two men on board, who took forcible possession of the ship as a prize to said privateer, and sent the captain with his papers on board her, and afterwards sent several more men on board to assist in pumping, who began to plunder the vessel and continued to do so all night, sent sugar, rum, cordage and sails on board the said schooner as much as could be stowed, till eight o'clock in the morning of the 17th, when they sent captain Story on board the ship to get his clothes, and see they had taken none; that between eight and nine all the people were sent on board the privateer, and at nine o'clock they set her on fire in several places, and cut her cables; she then drifted on the Folly Breakers, with her colours flying; they then got under way, and stood over the bar and into Stono Inlet, where all the people were landed, but the deponent. whom

they kept on board, having first proposed to land them on Light-house island, but the deponent informed them it could not be done with safety; that they lay in Stono all the night; that yesterday morning they got out and bore down on the ship Pallas and ship Betsey, who were bound for Charleston—they took the Pallas and let the Betsey go, and sent the deponent on board her, in which vessel he got up to Charleston this morning; that when he was on board the privateer, the captain showed him his commission, in which the said schooner is called the Vertitude, and the captain Jordon, of Monto Christo; that he was well treated on board.

SHADRACH TURNER.

In testimony whereof, I the said Notary, have hereunto set my hand and affixed my seal of office, at Charleston, this 19th day of October, in the year of our [L. S.] Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esq. Justice of the Quorum in and for the said State, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the City and State aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said notary, of Charleston, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that he was employed by Benjamin Moodie, Esq. his Britannick majesty's consul in this city, to go on board the British ship Oracabissa, captain Story, who was in great distress, having lost her main and mizzen mast, and sprung a leak; that on the 9th day of this instant, October, he with six more men went from this city and got on board said vessel, then about *threc** leagues over the bar; that they

* In another copy than that from which this was taken, the word "*two*" stands here.

I. WAGNER, Chief Clerk Dep. State.

came to anchor that evening, and on Friday the 13th the ship got over the bar of Charleston, and came to anchor in Five Fathom Hole, the wind being contrary could not proceed for the city; that the ship continued at anchor till Monday afternoon about 3 o'clock, when a small armed schooner privateer came over the bar, and came to anchor about north of the ship; that a little before sun down the said schooner weighed anchor, and came close along side said ship and dropped anchor; that she had no colours up. They ordered the captain of the ship to hoist out his boat and come on board with his papers, who answered the boat was stove; they then sent him their boat with an officer and four or five armed men, who took forcible possession of the vessel, and carried the captain with his papers, and the boatswain, on board the privateer, and detained them, and sent the boat again with more men on board the ship; that they immediately began to plunder the cargo and vessel, and continued to carry sugar, rum, coffee, cordage and sails, all night, with all the other articles they could carry; that on the morning of Tuesday the 17th about nine or ten o'clock, they set the said ship Oracabissa on fire in three places that he saw, cut both cables, by which she drifted on the Folly Breakers, close by the light-house shore; that the deponent was informed the said privateer was called the Adventure, from Cape François, captain Jordon; they then took the deponent, captain Story, and all the men on board of the ship on board the privateer, got under way and over the bar, then run into Stono Inlet, where they landed all the people except Mr. Turner the pilot, whom they carried away.

WILLIAM MINOTT.

In testimony whereof, I the said Notary, have hereunto set my hand and affixed my seal of office, at Charleston, the 19th day of October, in the year of our [L. S.] Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the City and State aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said notary, Daniel Allen, master of the ship *Flora*, of Providence, in the state of Rhode Island, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that he sailed from Turk's Island on the tenth day of this instant, October, bound for Charleston, in the state of South Carolina; that he arrived at the bar on yesterday the eighteenth instant, and on this morning got over the bar, when a small French privateer schooner came along side and obliged him to haul his wind and return over the bar at a very considerable risk, having no pilot on board: after he got over the bar, the said privateer obliged him to take six men belonging to the brig *Mary* on board his vessel, when they permitted him to proceed over the bar and up to the city, where he arrived about 11 o'clock this day the 19th instant.

DANIEL ALLEN.

In testimony whereof, I the said Notary have hereunto set my hand and affixed my seal of office, at Charleston, this 19th day of October, in the year of our [L.S.] Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esq. Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the City and State aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said notary, Thomas Pierson, first mate; Robert Glaister, second mate; Alexander Jordon and Benjamin Jefferies, seamen on

board the ship Pallas of Charleston; who being severally duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that they sailed on board the said ship Pallas from Port Glasgow, commanded by captain John Hunter, loaded with coals and dry goods, American property, and bound for Charleston, in the state of South Carolina aforesaid, on Monday the 12th day of August last, being all natives of the United States; that they arrived in said ship off the bar of Charleston on Monday the sixteenth of this instant, October; that on Wednesday the eighteenth, about twelve o'clock they were in ten fathom water, N. N. W. of the Charleston light house, about six leagues from the land, when a small schooner, a French privateer, which they were informed was called the Fortitude, commanded by captain Jordon, carrying two six pounders, came up, having then an English jack flying, and ordered them to hoist out the boat and the captain to come on board and bring his papers with him; that being some time getting, the privateer sent her boat along side, and an officer with armed men came on board, and forcibly took captain Hunter, two men and a boy on board the privateer, and sent more men on board the ship, took possession of her as a prize to the said privateer, put the deponents, with four more of the crew and two passengers on board the ship Mary of Hamburg, leaving captain Hunter, two men and a boy on board the Pallas; that the officer who was put on board the said ship Pallas, said he would carry her to Cape Francois in St. Domingo; that the ship Mary got over the bar of Charleston this morning the nineteenth, and landed them in the city about eleven o'clock this day.

THOMAS PIERSON,
ROBERT GLAISTER,
ALEXANDER JORDON,
BENJAMIN ^{his} ♂ JEFFRIES.
mark.

In testimony whereof, I the said Notary, have hereunto set my hand and affixed my seal of office, at [L.S.] Charleston, this nineteenth day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the City and State aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said notary, Ithamar Haskin, second mate ; Thomas Davis, Isaac Sanford, John Clark and Thomas Smith, seamen on board the brig Mary of Savannah, in the state of Georgia ; who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify, and declare, that they sailed on board the said brig Mary of Savannah, in Georgia, commanded by Francis Lightborne, from Savannah aforesaid, bound for London ; that they and each of them are native Americans ; that they arrived at London, and on the seventh day of July last, being loaded with porter and dry goods, they sailed in said vessel under the command of the said captain Lightborne—John Stafford, first mate, and a boy ; having a long passage, they did not arrive on the coast of America till Wednesday morning the eighteenth of this instant, October ; they made the land near Charleston harbour in sixteen fathom water : that about eight o'clock in the night of the same day, being in eight fathoms water, about three leagues from the land and light-house of Charleston, a small French privateer schooner, carrying two guns and several swivels, came along side the said brig, hailed her and ordered the captain with his papers to come on board, which he did. They detained the captain and two men, and sent an officer with eight men on board the said brig, who took forcible possession of her as a prize to said privateer ; that this morning the deponents were put on board the ship Flora, of Providence, state of Rhode Island, who brought them to Charleston, South Carolina, and landed them about eleven o'clock, the said captain Lightborne, John Stafford the mate, and the boy, being put on board the said brig Mary, whom the prize master declared he would carry to

Cape Francois, in St. Domingo, where he said she came from and belonged to, but never hoisted any colours during the whole time.

ITHAMAR HASKIN,

THOMAS ^{his} ♂ DAVIS,

ISAAC ^{mark.} SANDFORD,

JOHN CLARK,

THOMAS ^{his} ♂ SMITH.
^{mark.}

In testimony whereof, I the said Notary, have hereunto set my hand and affixed my seal of office, at [L.s.] Charleston, this 19th day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
MARCH 5, 1798.

THE first despatches from our envoys extraordinary, since their arrival at Paris, were received at the Secretary of State's office at a late hour the last evening. They are all in a character, which will require some days to be deciphered, except the last, which is dated the 8th of January, 1798. The contents of this letter are of so much importance to be immediately made known to Congress, and the publick, especially to the mercantile part of our fellow citizens, that I have thought it my duty to communicate them to both houses, without loss of time.

JOHN ADAMS.

No. 5.

Paris, January 8, 1798.

DEAR SIR,—We embrace an unexpected opportunity to send you the 'Redacteur' of the fifth instant, containing

the message of the directory to the council of five hundred, urging the necessity of a law to declare as good prize, all neutral ships having on board merchandises and commodities, the production of England, or of the English possessions, that the flag, as they term it, may no longer cover the property :—And declaring further, that the ports of France, except in case of distress, shall be shut against all neutral ships, which in the course of their voyage shall have touched at an English port. A commission has been appointed to report on the message, and it is expected that a decree will be passed in conformity to it.

Nothing new has occurred since our last, in date of the 24th ultimo. We can only repeat that there exists no hope of our being officially received by this government, or that the objects of our mission will be in any way accomplished. We have the honour to be, &c.

CHARLES C. PINCKNEY,
J. MARSHALL,
E. GERRY.

Timothy Pickering, Esq.

Postscript to a triplicate of the Envoys' letter, No. 5, received March 30, 1798.

The law abovementioned has been passed unanimously by the council of five hundred, and we enclose a journal containing the account. There is no doubt, but that it will be adopted, without opposition, by the Council of Ancients.

TRANSLATION.

Message to the Council of Five Hundred, of the 15th Nivose. 6th year, Jan. 4, 1798.

Citizens Representatives,—On this day, the fifteenth of Nivose, and at the very hour at which the executive directory addresses this message to you, the municipal administrators, the justices of the peace, the commissaries of the directory, and the superintendents of the customs, are proceeding, in all the chief places of the departments, in all the ports, and in all the principal communes of the Republick, to seize the English merchandise now in France, or

introduced into its territory in contravention of the law of the tenth Brumaire, fifth year, (Oct. 31st, 1796.)

Such is the first act by which, now that peace is given to the continent, the war declared long since against England, is about to assume the real character which becomes it. The French will not suffer a power, which seeks to found its prosperity upon the misfortune of other nations, to raise its commerce upon the ruin of that of other states, and which, aspiring to the dominion of the seas, wishes to introduce, every where, the articles of its own manufacture, and to receive nothing from foreign industry—any longer to enjoy the fruit of the guilty speculations.

The English government has kept in pay, during the war, the coalesced forces with the produce of its manufactures. It has violated all the principles of the law of nations, in order to shackle the relations of neutral powers; it has caused to be seized the provisions, corn, and commodities, which it supposed to be destined for France: it has declared contraband every thing which it thought could be useful to the Republic—It desired to starve it. All the citizens call for vengeance.

When it had to fear the capture of vessels sailing under its flag, it corrupted foreign captains to induce them to take on board their vessels English merchandise, and thus to introduce it, by stratagem, by fraud, or otherwise, into other states, and especially into the French Republick.

The neutral powers should have perceived, that, by this conduct, their merchants took part in the war, and that they lent assistance to one of the belligerent powers.

We serve a party, as well when we procure for it the means of augmenting its forces, as when we unite ourselves to those which it has. The neutral powers should have perceived, that England, by stopping the vessels of other powers, laden in their respective ports, and destined for France, by permitting articles coming from her own manufactories alone to circulate, aimed at an exclusive commerce, and that it would be necessary to seek reparation for such an attempt.

The ordinance of the marine, and the regulation of 1704, have declared lawful prize, the vessels and their cargoes in which is found English merchandisc belonging

to enemies. These provisions should be extended. The interest of Europe requires it.

The directory thinks it urgent and necessary to pass a law, declaring, that the character of vessels, relative to their quality of neutral or enemy, shall be determined by their cargo, and the cargo shall be no longer covered by the flag : in consequence, that every vessel found at sea, having on board English provisions and merchandise as her cargo, in whole or in part, shall be declared lawful prize, whosoever may be the proprietor of these provisions or merchandise ; which shall be reputed contraband, for this cause alone, that they come from England or her possessions.

It would be useful to declare, at the same time, that except in the case of distress, the ports of the Republick shall be shut to all foreign vessels, which, in the course of their voyage, shall have entered those of England.

The executive directory requests you, citizens representatives, to adopt these measures. No neutral or allied power can mistake their object, nor complain of them, unless it be already abandoned to England. The infallible effect of the measure is to enhance the value of the produce of their own soil and industry, to increase the prosperity of their commerce, to repel every thing that comes from England, and essentially to influence the conclusion of the war.

Such are the motives which induce the executive directory to invite you, citizens representatives, to take the object of this message into the most prompt consideration.

P. BARRAS, President.

LAGARDE, Secretary General.

Plan of a Decree reported by M. Villers to the Council of Five Hundred, in its Sitting of the 11th of January, 1798, translated from a Paris paper, entitled Journal du Soir, of the same day, enclosed in the triplicate of the Envoy's Letter, No. 5, dated January 8, 1798.

"1st. THE character of a vessel, relative to the quality of neuter or enemy, is determined by her cargo.

"In consequence, every vessel loaded in whole or in part with English merchandise, is declared lawful prize, whoever the owner of the said merchandise may be.

“2d. Every foreign vessel which, in the course of her voyage, shall have entered an English port, shall not enter France, except in case of distress: she shall depart thence as soon as the causes of her entry shall have ceased.”

This decree was immediately and unanimously adopted.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MARCH 19, 1793.

THE despatches from the envoys extraordinary of the United States to the French Republick, which were mentioned in my message to both houses of Congress of the fifth instant, have been examined and maturely considered.

While I feel a satisfaction in informing you, that their exertions for the adjustment of the differences between the two nations, have been sincere and unremitted, it is incumbent on me to declare, that I perceive no ground of expectation, that the objects of their mission can be accomplished on terms compatible with the safety, honour, or the essential interests of the nation.

This result cannot, with justice, be attributed to any want of moderation on the part of this government, or to any indisposition to forego secondary interests, for the preservation of peace. Knowing it to be my duty, and believing it to be your wish, as well as that of the great body of the people, to avoid, by all reasonable concessions, any participation in the contentions of Europe, the powers vested in our envoys were commensurate with a liberal and pacifick policy, and that high confidence which might justly be reposed in the abilities, patriotism, and integrity of the characters to whom the negotiation was committed. After a careful review of the whole subject, with the aid of all the information I have received, I can discern nothing which could have ensured, or contributed to success, that has been omitted on my part, and nothing

further which can be attempted, consistently with maxims for which our country has contended, at every hazard, and which constitute the basis of our national sovereignty.

Under these circumstances, I cannot forbear to reiterate the recommendations which have been formerly made, and to exhort you to adopt, with promptitude, decision and unanimity, such measures as the ample resources of the country afford, for the protection of our seafaring and commercial citizens; for the defence of any exposed portions of our territory; for replenishing our arsenals, establishing foundries and military manufactories; and to provide such efficient revenue, as will be necessary to defray extraordinary expenses, and supply the deficiencies which may be occasioned by depredations on our commerce.

The present state of things is so essentially different from that in which instructions were given to collectors to restrain vessels of the United States from sailing in an armed condition, that the principle on which those orders were issued, has ceased to exist: I therefore deem it proper to inform Congress, that I no longer conceive myself justifiable in continuing them, unless in particular cases, where there may be reasonable ground of suspicion that such vessels are intended to be employed contrary to law.

In all your proceedings, it will be important to manifest a zeal, vigour and concert, in defence of the national rights, proportioned to the danger with which they are threatened.

JOHN ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. APRIL 3, 1798.

IN compliance with the request of the House of Representatives, expressed in their resolution of the 2d of this month, I transmit to both Houses, *those instructions* to, and *despatches* from, the *envoys extraordinary* of the

United States to the *French Republick*, which were mentioned in my message of the 19th of March last, omitting only some names, and a few expressions descriptive of the persons.

I request that they may be considered in confidence, until the members of Congress are fully possessed of their contents, and shall have had opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom.

JOHN ADAMS.

Instructions to Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, Esquires, Envoys Extraordinary and Ministers Plenipotentiary, from the United States of America to the French Republick.

GENTLEMEN,—It is known to you, that the people of the United States of America entertained a warm and sincere affection for the people of France, ever since their arms were united in the war with Great Britain, which ended in the full and formal acknowledgment of the independence of these states. It is known to you, that this affection was ardent, when the French determined to reform their government and establish it on the basis of liberty; that liberty in which the people of the United States were born, and which in the conclusion of the war above mentioned was finally and firmly secured. It is known to you, that this affection rose to enthusiasm, when the war was kindled between France and the powers of Europe, which were combined against her for the avowed purpose of restoring the monarchy; and every where vows were heard for the success of the French arms. Yet during this period France expressed no wish that the United States should depart from their neutrality. And while no duty required us to enter into the war, and our best interests urged us to remain at peace, the government determined to take a neutral station: which being taken, the duties of an impartial neutrality became indispensably binding. Hence the government early proclaimed to our citizens the nature of those duties and the consequences of their violation.

The minister of France, Mr. Genet, who arrived about this time, by his publick declarations, confirmed the idea,

that France did not desire us to quit the ground we had taken. His measures, however, were calculated to destroy our neutrality and to draw us into the war.

The principles of the proclamation of neutrality, founded on the law of nations, which is the law of the land, were afterwards recognised by the national legislature, and the observance of them enforced by specifick penalties, in the act of Congress passed the 5th of June, 1794. By these principles and laws the acts of the Executive and the decisions of the courts of the United States were regulated.

A government thus fair and upright in its principles and just and impartial in its conduct, might have confidently hoped to be secure against formal official censure : but the United States have not been so fortunate. The acts of their government, in its various branches, though pure in principle and impartial in operation, and conformable to their indispensable rights of sovereignty, have been assigned as the cause of the offensive and injurious measures of the French Republick. For proofs of the former, all the acts of the government may be vouched ; while the aspersions so freely uttered by the French ministers, the refusal to hear the minister of the United States specially charged to enter on amicable discussions on all the topicks of complaint, the decrees of the executive directory and of their agents, the depredations on our commerce and the violences against the persons of our citizens, are evidences of the latter. These injuries and depredations will constitute an important subject of your discussions with the government of the French Republick ; and for all these wrongs you will seek redress.

In respect to the depredations on our commerce, the principal objects will be, to agree on an equitable mode of examining and deciding the claims of our citizens, and the manner and periods of making them compensation. As to the first, the 7th article of the British and the 21st of the Spanish treaty present approved precedents to be adopted with France. The proposed mode of adjusting those claims, by commissioners appointed on each side, is so perfectly fair, we cannot imagine that it will be refused. But when the claims are adjusted, if payment in specie cannot be obtained, it may be found necessary to

agree, in behalf of our citizens, that they shall accept publick securities, payable with interest at such periods as the state of the French finances shall render practicable. These periods you will endeavour as far as possible to shorten.

Not only the recent depredations, under colour of the decrees of the directory of the second of July, 1796, and the second of March, 1797, or under the decrees of their agents, or the illegal sentences of their tribunals, but all prior ones, not already satisfactorily adjusted, should be put in this equitable train of settlement. To cancel many or all of the last mentioned claims, might be the effect of the decree of the executive directory of the 2d of March last, reviving the decree of the 9th of May, 1793: but this being an *ex post facto* regulation, as well as a violation of the treaty between the United States and France, cannot be obligatory on the former. Indeed the greater part, probably nearly all the captures and confiscations in question, have been committed in direct violation of that treaty or of the law of nations. But the injuries arising from the capture of enemies property in vessels of the United States, may not be very extensive; and if for such captured property the French government will agreeably to the law of nations, pay the freight and reasonable demurrage, we shall not, on this account any farther contend. But of ship timber and naval stores taken and confiscated by the French, they ought to pay the full value; because our citizens continued their traffick in those articles under the faith of the treaty with France. On these two points we ought to expect that the French government will not refuse to do us justice: and the more, because it has not, at any period of the war, expressed its desire that the commercial treaty should in these respects be altered.

Besides the claims of our citizens for depredations on their property, there are many arising from express contracts made with the French government or its agents, or founded on the seizure of their property in French ports. Other claims have arisen from the long detention of a multitude of our vessels in the ports of France. The wrong hereby done to our citizens was acknowledged by the French government. and in some, perhaps in most of

the cases, small payments towards indemnifications have been made: the residue still remains to be claimed.

All these just demands of our citizens will merit your attention. The best possible means of compensation must be attempted. These will depend on what you shall discover to be practicable in relation to the French finances. But an exception must be made in respect to debts due to our citizens by the contracts of the French government and its agents, if they are comprehended in any stipulation; and an option reserved to them, jointly or individually, either to accept the means of payment which you shall stipulate, or to resort to the French government, directly, for the fulfilment of its contracts.

Although the reparation for losses sustained by the citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted on as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens, nor to stipulate that they be assumed by the United States as a loan to the French government.

In respect to the alterations of the commercial treaty with France, in the two cases which have been principal subjects of complaint on her part, viz. enemies property in neutral ships, and the articles contraband of war; although France can have no right to claim the annulling of stipulations at the moment when by both parties they were originally intended to operate; yet if the French government press for alterations, the President has no difficulty in substituting the principles of the law of nations, as stated in the 17th and 18th articles of our commercial treaty with Great Britain, to those of the 23d and 24th articles of our commercial treaty with France: and in respect to provisions, and other articles not usually deemed contraband, you are to agree only on a temporary compromise, like that in the 18th article of the British treaty, and of the same duration. If, however, in order to satisfy France *now she is at war*, we change the two important articles before mentioned, then the 14th article of the French treaty, which subjects the property of the neutral nation found on board enemies ships to capture and condemnation, must of course be abolished.

We have witnessed so many erroneous constructions of the treaty with France, even in its plainest parts, it will be necessary to examine every article critically, for the purpose of preventing, as far as human wisdom can prevent, all future misinterpretations. The kind of documents necessary for the protection of the neutral vessels should be enumerated and minutely described; the cases in which a sea-letter should be required may be specified; the want of a sea-letter should not of itself be a cause of confiscation, where other reasonable proof of property is produced; and where such proof is furnished, the want of a sea-letter should go no further than to save the captor from damages for detaining and bringing in the neutral vessel. The proportion of the vessel's crew which may be foreigners should be agreed on. Perhaps it will be expedient to introduce divers other regulations conformably to the marine laws of France. Whenever these are to operate on the commerce of the United States, our safety requires that, as far as possible, they be fixed by treaty. And it will be desirable to stipulate against any *ex post facto law* or regulation, under any pretence whatever.

Great Britain has often claimed a right, and practised upon it, to prohibit neutral nations carrying on a commerce with her enemies which had not been allowed in time of peace. On this head, it will be desirable to come to an explicit understanding with France; and, if possible, to obviate the claim by an express stipulation.

Such extensive depredations have been committed on the commerce of neutrals, and especially of the United States, by the citizens of France, under pretence that her enemies (particularly Great Britain) have done the same things, it will be desirable to have it explicitly stipulated, that the conduct of an enemy towards the neutral power shall not authorize or excuse the other belligerent power in any departure from the law of nations or the stipulations of the treaty: especially that the vessels of the neutral nation shall never be captured or detained, or their property confiscated or injured, because bound to or from an enemy's port, except the case of a blockaded port, the entering into which may be prevented according to the known rule of the law of nations. And it may be expedient to define a blockaded place or port to be one actually invested by land or naval forces, or both, and that no *declaration*

of a blockade shall have any effect without such actual investment. And no commercial right whatever should be abandoned which is secured to neutral powers by the European law of nations.

The foregoing articles being those which the French government has made the ostensible grounds of its principal complaints, they have naturally been first brought into view. But the proposed alterations and arrangements suggest the propriety of revising all our treaties with France. In such revision, the first object that will attract your attention, is the reciprocal guaranty, in the eleventh article of the treaty of alliance. This guaranty we are perfectly willing to renounce. The guaranty, by France, of the liberty, sovereignty, and independence of the United States, will add nothing to our security; while, on the contrary, our guaranty of the possessions of France in America, will perpetually expose us to the risk and expense of war, or to disputes and questions concerning our national faith.

When Mr. Genet was sent as the minister of the French Republick to the United States, its situation was embarrassed, and the success of its measures problematical. In such circumstances it was natural that France should turn her eye to the mutual guaranty: and accordingly it was required, in Mr. Genet's instructions, to be "an essential clause in the new treaty," which he was to propose: and on the ground "that it nearly concerned the peace and prosperity of the French nation, that a people whose resources increase beyond all calculation, and whom nature had placed so near their rich colonies, should become interested, by their own engagements, in the preservation of those islands." But at this time, France, powerful by her victories, and secure in her triumphs, may less regard the reciprocal guaranty with the United States, and be willing to relinquish it. As a substitute for the reciprocal guaranty, may be proposed a mutual renunciation of the same territories and possessions, that were subjects of the guaranty and renunciation in the sixth and eleventh articles of the treaty of alliance. Such a renunciation on our part, would obviate the reason assigned in the instruction to Mr. Genet before cited, *of future danger from the rapidly growing power of the United States*. But if France insists on the mutual guaranty, it will be necessary to aim at some modification of it.

The existing engagement is of that kind which, by writers on the law of nations, is called a general guaranty; of course the *casus fæderis* can never occur except in a *defensive* war. The nature of this obligation is understood to be, that when a war *really* and *truly defensive* exists, the engaging nation is bound to furnish an *effectual and adequate defence*, in co-operation with the power attacked: whence it follows, that the nation *may* be required, in some circumstances, to bring forward its whole force. The nature and extent of the succours demandable not being ascertained, engagements of this kind are dangerous on account of their uncertainty: there is always hazard of doing too much or too little, and of course of being involved in involuntary rupture.

Specifick succours have the advantage of certainty, and are less liable to occasion war. On the other hand, a general guaranty allows a latitude for the exercise of judgment and discretion.

On the part of the United States, instead of troops or ships of war, it will be convenient to stipulate for a moderate sum of money or quantity of provisions, at the option of France: the provisions to be delivered at our own ports, in any future *defensive* wars. The sum of money, or its value in provisions, ought not to exceed two hundred thousand dollars a year, during any such wars. The reciprocal stipulation, on the part of France, may be to furnish annually the like sum of money, or an equivalent in military stores and clothing for troops, at the option of the United States, to be delivered in the ports of France.

Particular caution, however, must be used, in discussing this subject, not to admit any claims, on the ground of the guaranty, in relation to the existing war; as we do not allow that the *casus fæderis* applies to it. And if the war should continue after your arrival in France, and the question of the guaranty should not be mentioned on her part, you may yourselves be silent on the subject, if you deem it most prudent.

It will be proper here to notice such articles of the treaty of amity and commerce, between the United States and France, as have been differently construed by the two governments, or which it may be expedient to amend or explain.

Art. II. The assent of the United States, in their treaty with Great Britain, to the doctrine of the law of nations respecting enemies' property in neutral ships, and ship timber and naval stores, and in some cases provisions, as contraband of war, the French government has chosen to consider as a voluntary *grant of favours*, in respect to commerce and navigation, to Great Britain, and that consequently the same favours have become common to France. This construction is so foreign from our ideas of the meaning and design of this article, it shows the necessity of reviewing all the articles, and however clear they may appear, of attempting to obviate future misconstructions, by declaratory explanations or a change of terms.

Art. v. France has repeatedly contended, that the imposition of fifty per cent. per ton, on French vessels arriving in the United States, is contrary to the fifth article of the treaty. The arguments in support of this pretension are unknown; but it is presumed to be unfounded. The reciprocal right of laying "duties or imposts of what nature soever," equal to those imposed on the most favoured nations, and without any other restrictions, seems to be clearly settled by the third and fourth articles. The fifth article appears to have been intended merely to define or qualify the rights of American vessels in France. It is however desirable that the question be understood, and all doubt concerning it removed. But the introduction of a principle of discrimination between the vessels of different foreign nations, and in derogation of the powers of Congress to raise revenue by uniform duties on any objects whatever, cannot be hazarded. The naturalization of French vessels will of course be considered as inadmissible.

Art. VIII. The stipulation of doing us good offices, to secure peace to the United States with the Barbary powers, has never yet procured us any advantage. If therefore the French government lays any stress on this stipulation, as authorizing a claim for some other engagement from us in favour of France, it may be abandoned; and especially if its abrogation can be applied as a set-off against some existing French claim.

Art. XIV. If the alterations already proposed are made in the 23d and 24th articles, then the 14th article, as before observed, must be abolished.

Art. xvii. The construction put on this article by the government of the United States is conceived to be reasonable and just, and is therefore to be insisted on. The tribunals of the respective countries will consequently be justified in taking cognizance of all captures made within their respective jurisdictions; or by illegal privateers; and those of one country will be deemed illegal which are fitted out in the country of the other remaining neutral: seeing to permit such arming would violate the neutral duties of the latter.

It will be expedient to fix explicitly the reception to be given to *publick ships of war* of all nations. The French ministers have demanded, that the publick ships of the enemies of France, which at any time, and in any part of the world, had made prize of a French vessel, should be excluded from the ports of the United States; although they brought in no prize with them. In opposition to this demand, we have contended that they were to be excluded only when they came in with French prizes. And the kind of asylum to be afforded in all other circumstances, is described in Mr. Jefferson's letter to Mr. Hammond, dated the 9th of September, 1793, in the following words: "Thus then, *the publick ships of war* of both nations [English and French] enjoy a perfect equality in our ports; 1st, in cases of urgent necessity; 2d, in cases of comfort or convenience; and 3d, in the time they choose to continue." And such shelter and accommodation are due to the publick ships of all nations, on the principle of hospitality among friendly nations.

It will also be expedient explicitly to declare that the right of asylum stipulated for the armed vessels of France and their prizes, gives no right to make sale of those prizes.

But when prize ships are so disabled as to be incapable of putting to sea again, until refitted, and when they are utterly disabled, some provision is necessary relative to their cargoes. Both cases occurred last year. The government permitted, though with hesitation and caution, the cargoes to be unloaded, one of the vessels to be repaired, and part of the prize goods sold, to pay for the repairs, and the cargo of the vessel that was found unfit ever to go to sea again, was allowed to be exported as *prize goods*, even in neutral bottoms. The doubts on

these occasions arose from the 24th article of the British treaty, forbidding the sale of the prizes of privateers, or the exchanging of the same in any manner whatever. But as French prizes were entitled to an asylum in our ports, it was conceived to be a reasonable construction of it, to allow of such proceedings as those above mentioned, to prevent the total loss of vessels and cargoes. The 25th article of the British treaty demands attention; as it is therein stipulated, that no future treaty shall be made that shall be inconsistent with that or the 24th article. Another doubt arose, whether the British treaty did not, in good faith, require the prohibition of the sale of prizes made by the *national ships* of France, as well as of those made by her privateers; especially seeing our treaty with France gave her no right to sell any prizes whatever: but upon the whole, it was conceived that the United States having before allowed the sale of such prizes, and the prohibition in the 24th article of the treaty being distinctly pointed against the sale of the prizes of *privateers*, it was thought proper to permit the former practice to continue, until the Executive should make and publish a prohibition of the sale of all prizes, or that Congress should pass a prohibitory law.

Art. xxii. If in new modelling the treaty with France, the total prohibition of the sale of prizes in the ports of the party remaining neutral should not be agreed on, at least the right of each power to make at its pleasure such prohibition, whether they are prizes of national ships or privateers, should be acknowledged, for the reason more than once suggested—to prevent a repetition of claims upon unfounded constructions; such as under the present article, that a *prohibition* to an *enemy* of either party, is a *grant* to the *other* of the thing forbidden.

Art. xxiii and xxiv. These have been already considered, and the alterations proposed have been mentioned.

There have been so many unjust causes and pretences assigned for capturing and confiscating American vessels, it may perhaps be impossible to guard against a repetition of them in any treaty which can be devised. To state the causes and pretences that have been already advanced by the government of France, its agents and tribunals, as the grounds of the capture and condemnation of American

vessels and cargoes, would doubtless give pain to any man of an ingenuous mind, who should be employed on the part of France to negotiate another treaty, or a modification of the treaties which exist. It is not desired therefore, to go farther into detail on these matters, than shall be necessary to guard, by explicit stipulations, against future misconstructions and the mischiefs they will naturally produce.

Under pretence that certain ports were surrendered to the English by the treachery of the French and Dutch inhabitants, Victor Hugues and Lebas, the special agents of the executive directory, at Guadaloupe, have declared that all neutral vessels bound to or from such ports shall be good prize.

Under the pretence that the British were taking all neutral vessels bound to or from French ports, the French agents at St. Domingo (Santhonax and others) decreed that all *American* vessels bound to or from English ports, should be captured; and they have since declared such captured vessels to be good prize. The French consuls in Spain have, on the same ground, condemned a number of *American* vessels, merely because they were destined to, or coming from, an English port.

Under the pretence, that the sea-letters or passports prescribed by the commercial treaty for the mutual advantage of the merchants and navigators of the two nations, to save their vessels from detention and other vexations, when met with at sea, by presenting so clear a proof of the property, are an indispensable document to be found on board, the French confiscate *American* vessels destitute of them, even when they acknowledge the property to be *American*.

Because horses and their military furniture, when destined to any enemy's port, are by the 24th article of the commercial treaty declared contraband, and as such by themselves only liable to confiscation, Hugues and Lebas decreed all *neutral vessels*, having horses or any other contraband goods on board, should be good prize; and they accordingly condemned vessels and cargoes.

The ancient ordinances of the French monarchs required a variety of papers to be on board neutral vessels, the want of any one of which is made a cause of condemnation; although the 25th article of the commercial treaty

mentions what certificates shall accompany the merchant vessels and cargoes of each party, and which, by every reasonable construction, ought to give them protection.

It will therefore be advisable to guard against abuses by descending to particulars : to describe the ships papers which shall be required, and to declare that the want of any other shall not be a cause for confiscation : to fix the mode of manning vessels as to the officers, and the proportion of the crews who shall be citizens ; endeavouring to provide, in respect to American vessels, that more than one third may be foreigners. This provision will be important to the southern states, which have but few native seamen.

The marine ordinances of France will show what regulations have been required to be observed by allied as well as neutral powers in general to ascertain and secure the property of neutrals. Some of these regulations may be highly proper to be adopted ; while others may be inconvenient and burdensome. Your aim will be to render the documents and formalities as few and as simple as will consist with a fair and regular commerce.

Art. xxv and xxvii. These two articles should be rendered conformable to each other. The 27th says, that after the exhibition of the *passport*, the vessel shall be allowed to pass without molestation or search, without giving her chase, or forcing her to quit her intended course. The 25th requires that besides the *passport*, vessels shall be furnished with certain *certificates*, which of course must also be exhibited. It will be expedient to add, that if in the face of such evidence, the armed vessel will carry the other into port, and the papers are found conformable to treaty, the captors shall be condemned in all the charges, damages and interest thereof, which they shall have caused. A provision of this nature is made in the eleventh article of our treaty with the United Netherlands.

Art. xxviii. The prohibited goods here mentioned have no relation to contraband, but merely to such as *by the laws of the country are forbidden to be exported*. Yet in the case of exporting horses from Virginia, which no law prohibited, in the winter of 1796, this article was applied by the French minister to *horses*, which by the French treaty are contraband of war. And a letter from

the minister to Victor Hugues and Lebas, informing them that the American government refused to prevent such export of horses by the British, is made one ground for their decree above mentioned.

Art. xxx. The vessels of the United States ought to be admitted into the ports of France in the same manner as the vessels of France are admitted into the ports of the United States. But such a stipulation ought not to authorize the admission of vessels of either party into the ports of the other, into which the admission of all foreign vessels shall be forbidden by the laws of France and of the United States, respectively. With this restriction, the principles of the 14th article of the treaty with Great Britain afford a liberal and unexceptionable precedent. A restriction like that here referred to will be found in the first paragraph of the third article of the British treaty.

The commerce to the French colonies in the East and West Indies, will doubtless be more or less restricted, according to the usage of other European nations. Yet on account of the disarranged condition of the French navigation, probably a larger latitude of trade with their colonies will be readily permitted for a term of years: and perhaps the mutual advantages thence resulting will be found so great as to induce afterwards a prolongation of that term, to which the course or habit of business may contribute.

While between the United States and France there shall subsist a perfect reciprocity in respect to commerce, we must endeavour to extend our trade to her colonies to as many articles as possible. Of these the most important are provisions of all kinds, as beef, pork, flour, butter, cheese, fish, grain, pulse, live stock, and every other article serving for food, which is the produce of the country, horses, mules, timber, planks, and wood of all kinds, cabinet ware and other manufactures of the United States; and to obtain in return all the articles of the produce of those colonies, without exception, at least to the value of the cargoes carried to those colonies.

There have been different constructions of the consular convention. The French have contended for the execution of their consular decisions, by the marshal or other officer of the United States; and their minister of justice has formally stated, in a report to the minister of foreign

affairs, that the judicial sentences of the American consuls in France, will be executed by certain officers of justice in that country. The legal opinion of the law officers of the United States, which the government has adopted, opposes such a construction. The French have also contended, that deserters from French vessels ought to be apprehended by the judicial officers of the United States, upon other evidence than the original shipping paper, or *rôle d'équipage* ; whereas the district judges have insisted that the consular convention requires the original rôle to be produced. This claim was lately revived by the consul general of the French Republick. The correspondence on this occasion will be joined to the other documents which accompany these instructions.

The United States cannot consent to the erecting of foreign tribunals within their jurisdiction. We consider the judicial authority of consuls, as described in the consular convention, to be voluntary, not compulsory, in the country where they reside ; and that their decisions, if not obeyed by the parties respectively, must be enforced by the laws of their proper country ; and such a provision you will see has been made in France, where a penalty of 1400 livres is imposed on the citizen who refuses obedience to a consular decision in a foreign state.

The consular convention will expire in about four years ; and if any great difficulties arise in settling the terms of a new one, that which exists must take its course : but if the French government should be silent on the subject of the consular convention, silence may be observed on your part.

The ports of the United States being frequented by the vessels of different belligerent powers, it became necessary to regulate the times of their sailing. The President, therefore, adopted what was understood to be the received rule in Europe ; and ordered, that after the sailing of a vessel of one of the belligerent powers, twenty-four hours should elapse before an armed vessel of the enemy of the former should set sail. This rule has not been duly respected by the armed vessels of France and Great Britain.

As the tranquillity of the United States requires, that no hostile movements be commenced within their jurisdiction ; and the interests of commerce demand an entire

freedom to the departure of vessels from their ports, it may be expedient expressly to recognise the above mentioned rule.

It will also be expedient to agree on the extent of territorial jurisdiction on the sea coast; and in what situations bays and sounds may be said to be land locked, and within the jurisdiction of the sovereign of the adjacent country.

On the supposition that a treaty will be negotiated to alter and amend the treaties which now exist between France and the United States, the following leading principles, to govern the negotiation, are subjoined.

1. Conscious integrity authorizes the government to insist, that no blame or censure be directly or indirectly imputed to the United States. But on the other hand, however exceptionable, in the view of our own government, and in the eyes of an impartial world, may have been the conduct of France, yet she may be unwilling to acknowledge any aggressions; and we do not wish to wound her feelings, or to excite resentment. It will therefore be best to adopt, on this point, the principle of the British treaty; and "terminate our differences, in such manner, as, without referring to the merits of our respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding."

2. That no aid be stipulated in favour of France during the present war.

3. That no engagement be made inconsistent with the obligations of any prior treaty.

4. That no restraint on our lawful commerce with any other nation be admitted.

5. That no stipulation be made, under colour of which, tribunals can be established within our jurisdiction, or personal privileges claimed by French citizens, incompatible with the complete sovereignty and independence of the United States, in matters of policy, commerce and government.

It will be expedient to limit the duration of the treaty to a term of from ten to twenty years. Such changes in the circumstances of the two parties are likely to happen within either of those periods, as to give one or both good reason to desire a change in the conditions of the treaty.

From this limitation may be excepted such articles as are declaratory of a state of peace, or as are intended to regulate the conduct of the two nations at the commencement of, or during a state of war, or which are founded in morality and justice, and are in their nature of perpetual obligation. Of this kind may be considered the tenth article of the treaty with Great Britain; which therefore may very properly be introduced into the treaty with France.

Finally, the great object of the government being to do justice to France and her citizens, if in any thing we have injured them; to obtain justice for the multiplied injuries they have committed against us; and to preserve peace; your style and manner of proceeding will be such as shall most directly tend to secure these objects. There may be such a change of men and measures in France as will authorize, perhaps render politick, the use of strong language, in describing the treatment we have received. On the other hand, the French government may be determined to frustrate the negotiation, and throw the odium on this country; in which case, any thing like warmth and harshness would be made the pretext. If things remain in their present situation, the style of representation will unite, as much as possible, calm dignity with simplicity, force of sentiment with mildness of language, and be calculated to impress an idea of inflexible perseverance rather than of distrust or confidence.

With these instructions you will receive the following documents.

1. The printed state papers containing the correspondence between the Secretary of State and the French minister, Mr. Genet.

2. The letter dated January 16th, 1797, from the Secretary of State to general Pinckney, and the documents therein referred to, in which all the known complaints of the French government, since the recall of Mr. Genet, are exhibited and discussed.

3. A report from the Secretary of State to the House of Representatives, dated the 27th of February, 1797, exhibiting the state of American claims which had been presented to the French government (but few of which had been satisfied) together with some further information relative to the depredations, by the officers and

people of that nation on the commerce of the United States.

4. A report made by the Secretary of State to the President of the United States, on the 21st of June, 1797, and by him laid before Congress on the 22d.

5. Certain original depositions, protests, and other papers relative to the French spoliations on the commerce, and personal insults and injuries to the citizens of the United States.

6. The documents laid before the House of Representatives the 17th of May, 1797, relative to general Pinckney's mission to Paris, and comprehending some papers relative to the capture and condemnation of American vessels by the French.

7. The correspondence with the French consul general Létombe, relative to the consular convention.

TIMOTHY PICKERING, Secretary of State.
Department of State, Philadelphia, July 15, 1797.

LETTERS OF CREDENCE AND FULL POWERS TO THE ENVOYS
FROM THE UNITED STATES TO THE FRENCH REPUBLICK.

Letters of Credence. John Adams, President of the United States of America, to the Executive Directory of the French Republick.

CITIZENS DIRECTORS,—Desirous of terminating all differences between the United States of America and the French Republick, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connexion, until lately, have so happily subsisted, I have nominated, and by and with the advice and consent of the Senate of the United States, appointed Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, distinguished citizens of these states, jointly and severally, envoys extraordinary and ministers plenipotentiary to the French Republick, for the purpose of accomplishing the great objects above mentioned: Wherefore I pray you, citizens directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the United States, and also when they shall assure you

of the sincerity of our wishes for the welfare of the French Republick.

Given under my hand, and the great seal of the United States of America, at Philadelphia, the thirteenth day of July, in the year 1797, and of the Independence of these states the twenty-second.

JOHN ADAMS.

By the President of the United States,

TIMOTHY PICKERING, Secretary of State.

FULL POWERS.

John Adams, President of the United States of America, to all whom these presents shall concern—Greeting :

KNOW YE, That for the purpose of terminating all differences between the United States of America and the French Republick, and of restoring and confirming perfect harmony and good understanding, and re-establishing a commercial and friendly intercourse between them, and reposing a special trust and confidence in the integrity, prudence and abilities of Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, citizens of the said United States, I have nominated, and, by and with the advice and consent of the Senate, appointed the said Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, jointly and severally, envoys extraordinary and ministers plenipotentiary of the United States to the French Republick; hereby giving and granting to them and any and each of them, full power and authority, and also a general and special command, for and in the name of the United States to meet and confer with the ministers, commissioners or deputies of the French Republick, being furnished with the like full powers, whether separately or jointly, and with them to treat, consult and negotiate, of and concerning all claims, and all matters and causes of difference, subsisting between the United States and the French Republick, for the purpose of satisfying and terminating the same in a just and equitable manner; and also of and concerning the general commerce between the United States and France, and all other the dominions of the French Republick; and to conclude and sign a treaty or treaties, convention or conventions, touching the pre-

mises; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States, if such advice and consent shall be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the city of Philadelphia, the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, and of the Independence of the United States of America, the twenty-first.

JOHN ADAMS.

By the President of the United States,
TIMOTHY PICKERING, Secretary of State.

Department of State, April 3, 1798.

The names designated by the letter W. X. Y. Z. in the following copies of letters from the envoys of the United States to the French Republick, are, in the originals, written at full length, in ciphers. For the same reason that single letters are thus taken to designate certain persons named in the letters, other words descriptive of them are omitted.

TIMOTHY PICKERING.

DESPATCHES

FROM THE ENVOYS TO THE SECRETARY OF STATE.

No. 1.

Paris, October 22, 1797.

DEAR SIR,—All of us having arrived at Paris on the evening of the fourth instant, on the next day we verbally and unofficially informed the minister of foreign affairs therewith, and desired to know when he would be at leisure to receive one of our secretaries with the official notification: he appointed the next day at two o'clock; when major Rutledge waited on him with the following letter:

Citizen minister,—The United States of America being desirous of terminating all differences between them and

the French Republick, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connection until lately have so happily subsisted, the President has nominated, and by and with the advice and consent of the Senate has appointed us, the undersigned, jointly and severally, envoys extraordinary and ministers plenipotentiary to the French Republick, for the purpose of accomplishing these great objects. In pursuance of such nomination and appointment, and with such view having come to Paris, we wish, citizen minister, to wait on you at any hour you will be pleased to appoint, to present the copy of our letters of credence; and whilst we evince our sincere and ardent desire for the speedy restoration of friendship and harmony between the two republicks, we flatter ourselves with your concurrence in the accomplishment of this desirable event. We request you will accept the assurances of our perfect esteem and consideration.

CHARLES COTESWORTH PINCKNEY,
JOHN MARSHALL,
ELBRIDGE GERRY.

Paris, Oct. 6, in the 22d year of American Independence.

To this letter the minister gave a verbal answer, that he would see us the day after the morrow (the 8th) at one o'clock. Accordingly at that hour and day we waited on the minister at his house, where his office is held, when, being informed he was not at home, the secretary-general of the department told major Rutledge, that the minister was obliged to wait on the directory, and requested we would suspend our visit till three o'clock. At which hour we called. The minister we found was then engaged with the Portuguese minister, who retired in about ten minutes, when we were introduced and produced the copy of our letters of credence, which the minister perused and kept. He informed us, "that the directory had required him to make a report relative to the situation of the United States with regard to France, which he was then about, and which would be finished in a few days, when he would let us know what steps were to follow." We asked if cards of hospitality were in the mean time necessary? He said they were, and that they should be delivered to us: and

he immediately rung for his secretary and directed him to make them out. The conversation was carried on by him in French, and by us in our own language.

The next day cards of hospitality were sent to us and our secretaries, in a style suitable to our official character.

On Saturday the 14th, major Mountfloreance informed general Pinckney, that he had a conversation with Mr. Osmond, the private and confidential secretary of the minister of foreign affairs, who told him, that the directory were greatly exasperated at some parts of the President's speech, at the opening of the last session of Congress, and would require an explanation of them from us. The particular parts were not mentioned. In another conversation on the same day the secretary informed the major, that the minister had told him it was probable we should not have a publick audience of the directory till such time as our negotiation was finished, that probably persons might be appointed to treat with us, but they would report to him, and he would have the direction of the negotiation. The major did not conceal from Mr. Osmond his intention to communicate these conversations to us.

In the morning of October the eighteenth, Mr. W. . . . of the house of called on general Pinckney, and informed him, that a Mr. X. who was in Paris and whom the general had seen was a gentleman of considerable credit and reputation and that we might place great reliance on him.

In the evening of the same day, Mr. X. called on general Pinckney, and after having sat some time whispered him, that he had a message from M. Talleyrand to communicate, when he was at leisure. General Pinckney immediately withdrew with him into another room; and when they were alone Mr. X. said, that he was charged with a business in which he was a novice; that he had been acquainted with M. Talleyrand and that he was sure he had a great regard for [America] and its citizens; and was very desirous, that a reconciliation should be brought about with France; that to effectuate that end, he was ready, if it was thought proper, to suggest a plan, confidentially, that M. Talleyrand expected would answer the purpose. General Pinckney said he should be glad to hear it. M. X. replied, that the

directory, and particularly two of the members of it, were exceedingly irritated at some passages of the President's speech, and desired that they should be softened; and that this step would be necessary previous to our reception: that besides this, a sum of money was required for the pocket of the directory and ministers, which would be at the disposal of M. Talleyrand: and that a loan would also be insisted on. M. X. said, if we acceded to these measures, M. Talleyrand had no doubt that all our differences with France might be accommodated. On inquiry, M. X. could not point out the particular passages of the speech that had given offence, nor the quantum of the loan, but mentioned that the *douceur* for the pocket was twelve hundred thousand livres, about fifty thousand pounds sterling. General Pinckney told him, his colleagues and himself, from the time of their arrival here, had been treated with great slight and disrespect; that they earnestly wished for peace and reconciliation with France; and had been entrusted by their country with very great powers to obtain these ends, on honourable terms: that with regard to the propositions made, he could not even consider of them before he had communicated them to his colleagues: that after he had done so, he should hear from him. After a communication and consultation had, it was agreed, that general Pinckney should call on M. X. and request him to make his propositions to us all; and for fear of mistakes or misapprehension, that he should be requested to reduce the heads into writing. Accordingly, on the morning of October the nineteenth, general Pinckney called on M. X. who consented to see his colleagues in the evening, and to reduce his propositions to writing. He said his communication was not immediately with M. Talleyrand, but through another gentleman, in whom M. Talleyrand had great confidence: this proved afterwards to be M. Y.

At six in the evening M. X. came and left with us the first set of propositions; which, translated from the French, are as follows; "A person who possesses the confidence of the directory, on what relates to the affairs of America, convinced of the mutual advantages which would result from the re-establishment of the good understanding between the two nations, proposes to employ all of his influence to obtain this object. He will assist the commissioners of the United States in all the demands which they

may have to make from the government of France, inasmuch as they may not be contradictory to those which he proposes himself to make, and of which the principal will be communicated confidentially. It is desired that in the official communications there should be given a softening turn to a part of the President's speech to Congress, which has caused much irritation. It is feared that in not satisfying certain individuals in this respect, they may give way to all their resentment. The nomination of commissioners will be consented to on the same footing as they have been named in the treaty with England, to decide on the reclamations which individuals of America may make on the government of France, or on French individuals. The payment which, agreeably to the decisions of the commissioners, shall fall to the share of the French government, are to be advanced by the American government itself. It is desired that the funds which by this means shall enter again into the American trade, should be employed in new supplies for the French colonies. Engagements of this nature on the part of individuals reclaiming will always hasten, in all probability, the decisions of the French commissioners : and perhaps it may be desired that this clause should make a part of the instructions which the government of the United States should give to the commissioners they may choose. The French government desires, besides, to obtain a loan from the United States ; but so that that should not give any jealousy to the English government, nor hurt the neutrality of the United States. This loan shall be masked by stipulating, that the government of the United States consents to make the advances for the payment of the debts contracted by the agents of the French government with the citizens of the United States ; and which are already acknowledged, and the payment ordered by the directory, but without having been yet effectuated. There should be delivered a note to the amount of these debts. Probably this note may be accompanied by ostensible pieces, which will guarantee to the agents the responsibility of the United States in case any umbrage should cause an inquiry. There shall also be first taken from this loan certain sums for the purpose of making the customary distributions in diplomatic affairs." The person of note mentioned in the minutes, who had the confidence of the directory, he said, before us all, was M. Talleyrand. The amount of

the loan he could not ascertain precisely, but understood it would be according to our ability to pay. The sum which would be considered as proper, according to diplomatic usage, was about twelve hundred thousand livres. He could not state to us what parts of the President's speech were excepted to, but said he would inquire and inform us. He agreed to breakfast with Mr. Gerry the morning of the 21st, in order to make such explanations as we had then requested, or should think proper to request: but on the morning of the 20th M. X. called and said, that M. Y. the confidential friend of M. Talleyrand, instead of communicating with us through M. X. would see us himself and make the necessary explanations. We appointed to meet him the evening of the twentieth at seven o'clock, in general Marshall's room. At seven M. Y. and M. X. entered; and the first mentioned gentleman, being introduced to us as the confidential friend of M. Talleyrand, immediately stated to us the favourable impressions of that gentleman towards our country, impressions which were made by the kindness and civilities he had personally received in America: that impressed by his solicitude to repay these kindnesses, he was willing to aid us in the present negotiation by his good offices with the directory, who were, he said, extremely irritated against the government of the United States, on account of some parts of the President's speech, and who had neither acknowledged nor received us, and consequently have not authorized M. Talleyrand to have any communications with us. The minister therefore could not see us himself, but had authorized his friend M. Y. to communicate to us certain propositions, and to receive our answers to them; and to promise on his part, that if he would engage to consider them as the basis of the proposed negotiation, he would intercede with the directory to acknowledge us, and to give us a publick audience. M. Y. stated to us explicitly and repeatedly, that he was clothed with no authority; that he was not a diplomatic character; that he was not . . . he was only the friend of M. Talleyrand and trusted by him; that with regard to himself he had . . . and that he earnestly wished well to the United States. He then took out of his pocket a French translation of the President's speech, the parts of which objected to by the directory were marked, agreeably to our request to M. X.

and are contained in the exhibit A. Then he made us the second set of propositions, which were dictated by him and written by M. X. in our presence, and delivered to us, and which, translated from the French, are as follows. "There is demanded a formal disavowal in writing, declaring that the speech of the citizen president Barras did not contain any thing offensive to the government of the United States, nor any thing which deserved the epithets contained in the whole paragraph: Secondly, reparation is demanded for the article by which it shall be declared, that the decree of the directory there mentioned did not contain any thing contrary to the treaty of 1778, and had none of those fatal consequences, that the paragraph reproaches to it: Thirdly, it is demanded, that there should be an acknowledgment in writing of the depredations exercised on our trade by the English and French privateers: Fourthly, the government of France, faithful to the profession of publick faith which it has made not to intermeddle in the internal affairs of foreign governments with which it is at peace, would look upon this paragraph as an attack upon its loyalty, if this was intended by the President. It demands, in consequence, a formal declaration, that it is not the government of France, nor its agents, that this paragraph meant to designate: In consideration of these reparations, the French Republick is disposed to renew with the United States of America, a treaty which shall place them reciprocally in the same state that they were in 1778: By this new treaty France shall be placed with respect to the United States, exactly on the same footing as they stand with England, in virtue of the last treaty which has been concluded between them. A secret article of this new treaty would be a loan to be made by the United States to the French Republick: and once agreed upon the amount of the loan, it would be endeavoured to consult the convenience of the United States with respect to the best method of preventing its publicity." On reading the speech M. Y. dilated very much upon the keenness of the resentment it had produced, and expatiated largely on the satisfaction he said was indispensably necessary as a preliminary to negotiation. "But, said he, gentlemen, I will not disguise from you, that this satisfaction being made, the essential part of the treaty remains to be adjusted: *il faut de l'argent—il faut beaucoup d'argent:*"

you must pay money, you must pay a great deal of money. He spoke much of the force, the honour and the jealous republican pride of France ; and represented to us strongly the advantages which we should derive from the neutrality thus to be purchased. He said, that the receipt of the money might be so disguised as to prevent its being considered as a breach of neutrality by England ; and thus save us from being embroiled with that power. Concerning the twelve hundred thousand livres little was said ; that being completely understood, on all sides, to be required for the officers of government, and therefore needing no further explanation. These propositions, he said, being considered as the admitted basis of the proposed treaty, M. Talleyrand trusted that, by his influence with the directory, he could prevail on the government to receive us. We asked whether we were to consider it as certain, that without a previous stipulation to the effect required, we were not to be received. He answered, that M. Talleyrand himself was not authorized to speak to us the will of the directory, and consequently could not authorize him. The conversation continued until half after nine, when they left us ; having engaged to breakfast with Mr. Gerry the next morning.

October the 21st, M. X. came before nine o'clock : M. Y. did not come until ten—he had passed the morning with M. Talleyrand. After breakfast the subject was immediately resumed. He represented to us, that we were not yet acknowledged or received ; that the directory were so exasperated against the United States, as to have come to a determination to demand from us, previous to our reception, those disavowals, reparations and explanations, which were stated at large last evening. He said that M. Talleyrand and himself were extremely sensible of the pain we must feel in complying with this demand ; but that the directory would not dispense with it : that therefore we must consider it as the indispensable preliminary to obtain our reception ; unless we could find the means to change their determination in this particular : that if we satisfied the directory in these particulars, a letter would be written to us to demand the extent of our powers, and to know whether we were authorized to place them precisely on the same footing with England ; whether, he said, our full powers were really and substantially full powers ; or,

like those of lord Malmesbury, only illusory powers: that, if to this demand our answer should be affirmative, then France would consent that commissioners should be appointed to ascertain the claims of the United States, in like manner as under our treaty with England: but from their jurisdiction must be withdrawn those which were condemned for want of a *role d'équipage*; that being a point on which Merlin while minister of justice, had written a treatise, and on which the directory were decided. There would however be no objection to our complaining of these captures, in the course of the negotiation; and if we could convince Merlin by our reasoning, the minister would himself be satisfied with our so doing. We required an explanation of that part of the conversation, in which M. Y. had hinted at our finding means to avert the demand concerning the President's speech. He answered, that he was not authorized to state those means, but that we must search for them and propose them ourselves. If however we asked his opinion as a private individual, and would receive it as coming from him, he would suggest to us the means which in his opinion would succeed. On being asked to suggest the means, he answered, money; that the directory were jealous of its own honour and of the honour of the nation; that it insisted on receiving from us the same respect with which we had treated the king; that this honour must be maintained in the manner before required, unless we substituted in the place of those reparations something perhaps more valuable, that was money. He said further, that if we desired him to point out the sum which he believed would be satisfactory, he would do so. We requested him to proceed; and he said, that there were thirty-two millions of florins of Dutch inscriptions, worth ten shillings in the pound. which might be assigned to us at twenty shillings in the pound: and he proceeded to state to us the certainty, that after a peace, the Dutch government would repay us the money; so that we should ultimately lose nothing; and the only operation of the measure would be, an advance from us to France of thirty-two millions, on the credit of the government of Holland. We asked him whether the fifty thousand pounds sterling, as a *douceur* to the directory, must be in addition to this sum. He answered in the affirmative. We told him, that on the subject of the treaty, we had no hesitation in saying that our powers were am

ple : that on the other points proposed to us we would retire into another room, and return in a few minutes with our answer.

We committed immediately to writing the answer we proposed, in the following words : " Our powers respecting a treaty are ample : but the proposition of a loan in the form of Dutch inscriptions, or in any other form, is not within the limits of our instructions ; upon this point therefore the government must be consulted : one of the American ministers will, for the purpose, forthwith embark for America : provided the directory will suspend all further captures on American vessels, and will suspend proceedings on those already captured, as well where they have been already condemned, as where the decisions have not yet been rendered ; and that where sales have been made, but the money not yet received by the captors, it shall not be paid until the preliminary questions, proposed to the ministers of the United States, be discussed and decided ;" which was read as a verbal answer ; and we told them they might copy it, if they pleased. M. Y. refused to do so : his disappointment was apparent : he said we treated the money part of the proposition as if it had proceeded from the directory ; whereas in fact it did not proceed even from the minister, but was only a suggestion from himself, as a substitute to be proposed by us, in order to avoid the painful acknowledgment that the directory had determined to demand of us. It was told him, that we understood that matter perfectly : that we knew the proposition was in form to be ours ; but that it came substantially from the minister. We asked what had led to our present conversation ? And general Pinckney then repeated the first communication from M. X. (to the whole of which that gentleman assented) and we observed that those gentlemen had brought no testimonials of their speaking any thing from authority : but that relying on the fair characters they bore, we had believed them when they said they were from the minister, and had conversed with them in like manner, as if we were conversing with M. Talleyrand himself ; and that we could not consider any suggestion M. Y. had made, as not having been previously approved of : but yet, if he did not choose to take a memorandum in writing of our answer, we had no wish that he should do so :

and further, if he chose to give the answer to his proposition the form of a proposition from ourselves we could only tell him, that we had no other proposition to make, relative to any advance of money on our part: that America had sustained deep and heavy losses by French depredations on our commerce, and that France had alleged so [many] complaints against the United States, that on those subjects we came fully prepared, and were not a little surprized to find France unwilling to hear us; and making demands upon us which could never have been suspected by our government, and which had the appearance of our being the aggressing party. M. Y. expressed himself vehemently on the resentment of France; and complained, that instead of our proposing some substitute for the reparations demanded of us, we were stipulating certain conditions to be performed by the directory itself; that he could not take charge of such propositions; and that the directory would persist in its demand of those reparations which he at first stated. We answered, that we could not help it; it was for the directory to determine what course its own honour and the interests of France required it to pursue: it was for us to guard the interests and honour of our country. M. Y. observed, that we had taken no notice of the first proposition, which was, to know whether we were ready to make the disavowal, reparations and explanations concerning the President's speech. We told him that we supposed it to be impossible, that either he or the minister could imagine, that such a proposition could require an answer: that we did not understand it as being seriously expected; but merely as introductory to the subjects of real consideration.

He spoke of the respect which the directory required, and repeated, that it would exact as much as was paid to the ancient kings. We answered that America had demonstrated to the world, and especially to France, a much greater respect for her present government than for her former monarchy; and that there was no evidence of this disposition which ought to be required, that we were not ready to give. He said that we should certainly not be received; and seemed to shudder at the consequences. We told him, that America had made every possible effort to remain on friendly terms with France; that she was still making them: that if France would not

hear us ; but would make war on the United States ; nothing remained for us, but to regret the unavoidable necessity of defending ourselves.

The subject of our powers was again mentioned ; and we told him, that America was solicitous to have no more misunderstandings with any Republick, but especially with France ; that she wished a permanent treaty, and was sensible, that no treaty could be permanent, which did not comport with the interests of the parties ; and therefore that he might be assured, that our powers were such as authorized us to place France on equal ground with England, in any respects in which an inequality might be supposed to exist at present between them, to the disadvantage of France. The subject of the rôle d'équipage was also mentioned ; and we asked what assurance we could have, if France insisted on the right of adding to the stipulations of our treaty, or of altering them by municipal regulations, that any future treaty we could make should be observed. M. Y. said that he did not assert the principle of changing treaties by municipal regulations ; but that the directory considered its regulation concerning the rôle d'équipage as comporting with the treaty. We observed to him, that none of our vessels had what the French termed a rôle d'équipage, and that if we were to surrender all the property which had been taken from our citizens in cases where their vessels were not furnished with such a rôle, the government would be responsible to its citizens for the property so surrendered ; since it would be impossible to undertake to assert, that there was any plausibility in the allegation, that our treaty required a rôle d'équipage.

The subject of disavowals, &c. concerning the President's speech was again mentioned ; and it was observed, that the constitution of the United States authorized and required our President to communicate his ideas on the affairs of the nation ; that, in obedience to the constitution, he had done so ; that we had not power to confirm or invalidate any part of the President's speech ; that such an attempt could produce no other effect than to make us ridiculous to the government and to the citizens at large of the United States ; and to produce, on the part of the President, an immediate disavowal and recall of us as his agents : that independent of this, all America was acquaint-

ed with the facts stated by the President; and our disavowing them would not change the publick sentiment concerning them.

We parted with mutual professions of personal respect, and with full indications on the part of M. Y. of his expectation, that we should immediately receive the threatened letter.

The nature of the above communication will evince the necessity of secrecy; and we have promised Messrs. X. and Y. that their names shall in no event be made publick.

We have the honour to be, &c.

CHARLES COTESWORTH PINCKNEY,
J. MARSHALL,
E. GERRY.

P. S. October 27th, 1797. The definitive articles of peace are signed between the French Republick and the emperor: the particulars you will find in the publick prints. The Portuguese minister is ordered to quit France, as the treaty with Portugal has not been yet ratified by the queen. The treaty itself is declared by the directory to be void. Since our arrival at Paris the tribunal of cassation has rejected captain Scott's petition complaining of the condemnation of his vessel by the civil tribunal for the want of a rôle d'équipage. Mr. ——— in behalf of the owners of the American vessels, who have appealed in the last resort to the tribunal of cassation, informs, that notwithstanding all the arguments ——— made use of ——— to put off the hearing of the Rosanna, as a diplomatic case, till the issue of our negotiations is known, that case is set down for hearing and will come on the 29th or 30th instant. The same ——— also says, that it is obvious, that the tribunal have received instructions from the officers of the government to hasten their decisions, and that it was hardly worth while to ——— for all our petitions in cassation would be rejected. Our advocates ——— decline giving their sentiments on this subject ——— under an apprehension of committing themselves.

Col. Pickering, Sec'y of the United States.

Paragraphs of the President's Speech, referred to in Letter No. 1. under Title of Exhibit A.

I. With this conduct of the French government it will be proper to take into view the publick audience, given to the late minister of the United States, on his taking leave of the executive directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the government of the United States. It evinces a disposition to separate the people of the United States from the government; to persuade them, that they have different affections, principles and interests from those of their fellow-citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision, which shall convince France and the world, that we are not a degraded people, humiliated under a colonial spirit of fear, and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honour, character and interest.

II. The diplomatic intercourse between the United States and France being at present suspended; the government has no means of obtaining official information from that country: nevertheless there is reason to believe that the executive directory passed a decree, on the 2d of March last, contravening in part the treaty of amity and commerce of 1778, injurious to our lawful commerce and endangering the lives of our citizens. A copy of this decree will be laid before you.

III. While we are endeavouring to adjust all our differences with France, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs render it my indispensable duty to recommend to your consideration effectual measures of defence.

IV. It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavours have been employed to foster and establish a division between the government and people of the United States.

To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united councils, insinuations so derogatory to the honour, and aggressions so dangerous to the constitution, union and even independence of the nation, is an indispensable duty.

Answer of M. Barras, President of the Executive Directory, to the Speech of Mr. Monroe on taking leave, to which the Speech of the President of the United States refers.

M. le ministre plénipotentiaire des Etats Unis d'Amérique.

En présentant aujourd'hui au directoire exécutif vos lettres de rappel, vous donnez à l'Europe un spectacle bien étrange.

La France, riche de sa liberté, entourée du cortège de ses victoires, forte de l'estime de ses alliés, ne s'abaissera pas à calculer les suites de la condescendance du gouvernement Américain pour les suggestions de ses anciens tyrans....La République Française espère, au surplus, que les successeurs de Colombus, Ramhiph* et Penn, toujours fiers de leur liberté, n'oublieront jamais qu'ils la doivent à la France. ...Ils péseront dans leur sagesse la magnanime bienveillance du peuple Français avec les astucieuses caresses de quelques perfides qui méditent de le ramener à son antique esclavage. Assurez,

Mr. minister plenipotentiary of the United States of America.

By presenting to-day your letters of recall to the executive directory, you give to Europe a very strange spectacle.

France, rich in her liberty, surrounded by a train of victories, strong in the esteem of her allies, will not abase herself by calculating the consequences of the condescension of the American government to the suggestions of her former tyrants. Moreover, the French Republick hopes, that the successors of Columbus, Ramhiph* and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom, the magnanimous benevolence of the French people with the crafty caresses of certain perfidious persons who meditate bringing them back

* Probably intended for Raleigh.

M. le ministre, le bon peuple Américain que, comme lui, nous adorons la liberté ; que toujours il aura notre estime, et qu'il trouvera dans le peuple Français, la générosité républicaine qui sait accorder la paix comme elle sait faire respecter sa souveraineté.

Quant à vous, M. le ministre plénipotentiaire, vous avez combattu pour les vrais intérêts de votre patrie.... partez avec nos regrets. Nous rendons en vous un représentant à l'Amérique, et nous retenons le souvenir du citoyen dont les qualités personnelles honoraient ce titre.

to their former slavery. Assure the good American people, sir, that like them we adore liberty ; that they will always have our esteem, and that they will find in the French people, republican generosity, which knows how to grant peace, as it does to cause its sovereignty to be respected.

As to you, Mr. minister plenipotentiary, you have combated for principles, you have known the true interests of your country. Depart with our regret. In you we give up a representative to America and retain the remembrance of the citizen whose personal qualities did honour to that title.

No. 2.

Paris, November 8, 1797.

DEAR SIR,—We now enclose you, in thirty-six quarto pages of cipher, and in eight pages of ciphered exhibits, the sequel to the details commenced in No. 1, dated the 22d of last month ; and have the honour to be, &c.

C. C. PINCKNEY,
J. MARSHALL,
E. GERRY.

Colonel Pickering.

October 27, 1797.

About twelve we received another visit from M. X. He immediately mentioned the great event announced in the papers, and then said, that some proposals from us had been expected on the subject on which we had before conversed ; that the directory were becoming impatient, and

would take a decided course with regard to America, if we could not soften them. We answered, that on that subject we had already spoken explicitly, and had nothing farther to add. He mentioned the change in the state of things which had been produced by the peace with the emperor, as warranting an expectation of a change in our system; to which we only replied, that this event had been expected by us, and would not in any degree affect our conduct. M. X. urged, that the directory had, since this peace, taken a higher and more decided tone with respect to us, and all other neutral nations, than had been before taken; that it had been determined, that all nations should aid them, or be considered and treated as their enemies. We answered, that such an effect had already been contemplated by us as probable, and had not been overlooked when we gave to this proposition our decided answer; and further, that we had no powers to negotiate for a loan of money; that our government had not contemplated such a circumstance in any degree whatever; that if we should stipulate a loan, it would be a perfectly void thing, and would only deceive France, and expose ourselves. M. X. again expatiated on the power and violence of France: he urged the danger of our situation, and pressed the policy of softening them, and of thereby obtaining time. The present men, he said, would very probably not continue long in power; and it would be very unfortunate if those who might succeed, with better dispositions towards us, should find the two nations in actual war. We answered, that if war should be made on us by France, it would be so obviously forced on us, that on a change of men, peace might be made with as much facility as the present differences could be accommodated: we added, that all America deprecated a war with France; but that our present situation was more ruinous to us than a declared war could be; that at present our commerce was plundered unprotected; but that if war was declared, we should seek the means of protection. M. X. said, he hoped we should not form a connection with Britain; and we answered, that we hoped so too; that we had all been engaged in our revolution war, and felt its injuries; that it had made the deepest impression on us; but that if France should attack us, we must seek the best means of self-defence. M. X. again returned to the subject of

money: Said he, gentlemen, you do not speak to the point; it is money: it is expected that you will offer money. We said that we had spoken to that point very explicitly: we had given an answer. No, said he, you have not: what is your answer? We replied; it is no; no; not a sixpence. He again called our attention to the dangers which threatened our country, and asked, if it would not be prudent, though we might not make a loan to the nation, to interest an influential friend in our favour. He said we ought to consider what men we had to treat with; that they disregarded the justice of our claims, and the reasoning with which we might support them; that they disregarded their own colonies; and considered themselves as perfectly invulnerable with respect to us; that we could only acquire an interest among them by a judicious application of money; and it was for us to consider, whether the situation of our country did not require that these means should be resorted to. We observed, that the conduct of the French government was such as to leave us much reason to fear, that should we give the money, it would effect no good purpose, and would not produce a just mode of thinking with respect to us. Proof of this must first be given us. He said, that when we employed a lawyer, we gave him a fee, without knowing whether the cause could be gained or not; but it was necessary to have one, and we paid for his services, whether those services were successful or not: so in the present state of things, the money must be advanced for the good offices the individuals were to render, whatever might be the effect of those good offices. We told him there was no parallel in the cases; that a lawyer, not being to render the judgment, could not command success; he could only endeavour to obtain it; and consequently, we could only pay him for his endeavours; but the directory could decide on the issue of our negotiation. It had only to order, that no more American vessels should be seized, and to direct those now in custody to be restored, and there could be no opposition to the order. He said, that all the members of the directory were not disposed to receive our money: that Merlin, for instance, was paid from another quarter, and would touch no part of the *douceur* which was to come from us. We replied, that we had understood, that Merlin was paid by the owners of the priva-

teers ; and he nodded an assent to the fact. He proceeded to press this subject with vast perseverance. He told us that we paid money to obtain peace with the Algerines, and with the Indians ; and that it was doing no more to pay France for peace. To this it was answered, that when our government commenced a treaty with either Algiers or the Indian tribes, it was understood that money was to form the basis of the treaty, and was its essential article ; that the whole nation knew it, and was prepared to expect it as a thing of course ; but that in treating with France, our government had supposed, that a proposition, such as he spoke of, would, if made by us, give mortal offence. He asked if our government did not know, that nothing was to be obtained here without money ? We replied, that our government had not even suspected such a state of things. He appeared surprised at it, and said, there was not an American in Paris who could not have given that information. We told him, that the letters of our minister had indicated a very contrary temper in the government of France ; and had represented it as acting entirely upon principle, and as feeling a very pure and disinterested affection for America. He looked somewhat surprised ; and said briskly to general Pinckney : well, sir, you have been a long time in France and in Holland ; what do you think of it ? General Pinckney answered, that he considered M. X. and M. Y. as men of truth, and of consequence he could have but one opinion on the subject. He stated, that Hamburgh, and other states of Europe, were obliged to buy a peace ; and that it would be equally for our interest to do so. Once more he spoke of the danger of a breach with France, and of her power, which nothing could resist. We told him that it would be in vain for us to deny her power, or the solicitude we felt to avoid a contest with it ; that no nation estimated her power more highly than America, or wished more to be on amicable terms with her ; but that one object was still dearer to us than the friendship of France, which was our national independence : that America had taken a neutral station : she had a right to take it : no nation had a right to force us out of it : that to lend a sum of money to a belligerent power, abounding in every thing requisite for war but money, was to relinquish our neutrality, and take part in the war ; to lend this money, under the lash and coer-

cion of France, was to relinquish the government of ourselves, and to submit to a foreign government imposed upon us by force : that we would make at least one manly struggle before we thus surrendered our national independence : that our case was different from that of one of the minor nations of Europe ; they were unable to maintain their independence, and did not expect to do so : America was a great, and, so far as concerned her self-defence, a powerful nation : she was able to maintain her independence ; and must deserve to lose it, if she permitted it to be wrested from her : that France and Britain had been at war for near fifty years of the last hundred, and might probably be at war for fifty years of the century to come ; that America had no motives which could induce her to involve herself in those wars ; and that if she now preserved her neutrality and her independence, it was most probable that she would not in future be afraid, as she had been for four years past : but if she now surrendered her rights of self-government to France, or permitted them to be torn from her, she could not expect to recover them, or to remain neutral in any future war. He said that France had lent us money during our revolution war, and only required that we should now exhibit the same friendship for her. We answered, that the cases were very different ; that America solicited a loan from France, and left her at liberty to grant or refuse it : but that France demanded it from America, and left us no choice on the subject. We also told him there was another difference in the cases ; that the money was lent by France for great national and French objects ; it was lent to maim a rival and an enemy whom she hated ; that the money, if lent by America, would not be for any American objects, but to enable France to extend still further her conquests. The conversation continued for nearly two hours ; and the public and private advance of money was pressed and repressed in a variety of forms. At length M. X. said that he did not blame us ; that our determination was certainly proper, if we could keep it : but he showed decidedly his opinion to be that we could not keep it. He said that he would communicate, as nearly as he could, our conversation to the minister, or to M. Y. to be given by him to the minister ; we are not certain which. We then separated. On the 22d of October, M. Z. a French gentle-

man of respectable character, informed Mr. Gerry, that M. Talleyrand, minister of foreign relations, who professed to be well disposed towards the United States, had expected to have seen the American ministers frequently in their private capacities; and to have conferred with them individually on the objects of their mission; and had authorized M. Z. to make this communication to Mr. Gerry. The latter sent for his colleagues; and a conference was held with M. Z. on the subject; in which general Pinckney and general Marshall expressed their opinions, that not being acquainted with M. Talleyrand, they could not, with propriety, call on him; but, that according to the custom of France, he might expect this of Mr. Gerry from a previous acquaintance in America. This Mr. Gerry reluctantly complied with on the 23d, and with M. Z. called on M. Talleyrand, who, not being then at his office, appointed the 28th for the interview. After the first introduction, M. Talleyrand began the conference. He said, that the directory had passed an *arrête*, which he offered for perusal, in which they had demanded of the envoys an explanation of some parts, and a reparation for others, of the President's speech to Congress, of the 16th of May last: he was sensible, he said, that difficulties would exist on the part of the envoys relative to this demand; but that by their offering money, he thought he could prevent the effect of the *arrête*. M. Z. at the request of Mr. Gerry, having stated that the envoys have no such powers: M. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a loan. Mr. Gerry then addressed M. Talleyrand distinctly in English, which he said he understood, and stated, that the uneasiness of the directory resulting from the President's speech, was a subject unconnected with the objects of the mission: that M. Barras, in his speech to Mr. Monroe, on his recall, had expressed himself in a manner displeasing to the government and citizens of the United States; that the President, as the envoys conceived, had made such observations on M. Barras's speech as were necessary to vindicate the honour of the United States; that this was not considered by our government as a subject of dispute between the two nations; that having no instructions respecting it, we could not make any explanations or reparations relating to it:

and that M. Talleyrand himself was sufficiently acquainted with the constitution of the United States to be convinced of the truth of these observations. Mr. Gerry further stated, that the powers of the envoys, as they conceived, were adequate to the discussion and adjustment of all points of real difference between the two nations ; that they could alter and amend the treaty ; or, if necessary, form a new one ; that the United States were anxiously desirous of removing all causes of complaint between themselves and France, and of renewing their former friendship and intercourse, on terms which should be mutually honourable and beneficial to the two nations ; but not on any other terms ; that as to a loan, we had no powers whatever to make one ; that if we were to attempt it, we should deceive himself and the directory likewise, which, as men of honour, we could not do ; but that we could send one of our number for instructions on this proposition, if deemed expedient, provided that the other objects of the negotiation could be discussed and adjusted ; that as he had expressed a desire to confer with the envoys individually, it was the wish of Mr. Gerry that such a conference should take place, and their opinions thus be ascertained, which he conceived corresponded with his own in the particulars mentioned. M. Talleyrand, in answer, said, he should be glad to confer with the other envoys individually, but that this matter about the money must be settled directly, without sending to America ; that he would not communicate the *arrête* for a week ; and that if we could adjust the difficulty respecting the speech, an application would nevertheless go to the United States for a loan. A courier arriving at this moment from Italy, and M. Talleyrand appearing impatient to read the letters, Mr. Gerry took leave of him immediately. He followed to the door, and desired M. Z. to repeat to Mr. Gerry, what he, M. Talleyrand, had said to him. Mr. Gerry then returned to his quarters with M. Z. took down the particulars of this interview, as before stated, sent for generals Pinckney and Marshall, and read it to them in the presence of M. Z. who confirmed it. Generals Pinckney and Marshall then desired M. Z. to inform M. Talleyrand that they had nothing to add to this conference, and did not wish that the *arrête* might be delayed on their account.

October 29.

M. X. again called on us. He said, M. Talleyrand was extremely anxious to be of service to us, and had requested that one more effort should be made to induce us to enable him to be so. A great deal of the same conversation which had passed at our former interviews was repeated. The power and the haughtiness of France was again displayed to us. We were told that the destruction of England was inevitable; and that the wealth and arts of that nation would naturally pass over to America, if that event should find us in peace. To this observation we replied, that France would probably forbid America to receive them, in like manner as she had forbid Switzerland to permit the residence in its country of a British minister. We told him also, that we were sensible of the value of peace, and therefore sought it, unremittingly, but that it was real peace we sought for, and real peace only which could be desirable.

The sum of his proposition was, that if we would pay, by way of fees, (that was his expression) the sum of money demanded for private use, the directory would not receive us; but would permit us to remain in Paris as we now were; and we should be received by M. Talleyrand, until one of us could go to America and consult our government on the subject of the loan. These were the circumstances, he said, under which the minister of Portugal had treated. We asked him if, in the mean time, the directory would order the American property not yet passed into the hands of the privateersmen, to be restored? He said explicitly, that they would not. We asked him, whether they would suspend further depredations on our commerce? He said they would not: but M. Talleyrand observed, that on this subject we could not sustain much additional injury, because the winter season was approaching, when few additional captures could be made. We told him that France had taken violently from America more than fifteen millions of dollars, and treated us in every respect as enemies, in return for the friendship we had manifested for her; that we had come to endeavour to restore harmony to the two nations, and to obtain compensation for the injuries our countrymen had sustained; and that in lieu of this compensation, we were told, that if we would pay twelve hundred thousand livres, we might be permitted to remain in

Paris ; which would only give us the benefit of seeing the plays and operas of Paris for the winter, that we might have time to ask from our country to exhaust her resources for France, whose depredations would be continued. He again stated, that by this procedure we should suspend a war ; and that perhaps in five or six months power might change hands.

We told him that what we wished to see in France was a temper sincerely friendly to the United States, and really disposed to do us justice ; that if we could perceive this, we might not so much regard a little money, such as he stated to be usual, although we should hazard ourselves by giving it ; but that we saw only evidences of the most extreme hostility toward us : war was made upon us so far as France could make it in the present state of things ; and it was not even proposed, that on receiving our money this war should cease ; we had no reason to believe that a possible benefit could result from it ; and we desired him to say that we would not give a shilling, unless American property unjustly captured was previously restored, and further hostilities suspended ; and that unless this was done, we did not conceive that we could even consult our government concerning a loan ; that if the directory would receive us and commence negotiations, and any thing occurred which rendered a consultation of the government necessary, one of us would return to America for that purpose. He said that without this money we should be obliged to quit Paris ; and that we ought to consider the consequences : the property of the Americans would be confiscated, and their vessels in port embargoed. We told him that unless there was a hope of a real reconciliation, these evils could not be prevented by us ; and the little delay we might obtain would only increase them ; that our mission had induced many of our countrymen to trust their vessels into the ports of France, and that if we remained in Paris, that very circumstance would increase the number ; and consequently the injury which our countrymen would sustain, if France could permit herself so to violate her own engagements and the laws of nations. He expressed a wish, that M. Y. should see us once more. We told him that a visit from M. Y. as a private gentleman, would always be agreeable to us ; but if he came only with the expectation that we should stipulate advances of money, without pre-

viously establishing a solid and permanent reconciliation, he might save himself the trouble of the application, because it was a subject we had considered maturely, and on which we were immoveable. He parted with us, saying, if that was the case, it would not be worth while for M. Y. to come. In the evening, while general Pinckney and general Marshall were absent, M. Y. and M. X. called, and were invited by Mr. Gerry to breakfast with us the next morning.

[The remaining communications accompanying the last message of the President, will be printed first in Vol. IV.]

END OF VOL. III.



